Social Movements, Protest, and Contention

Series Editor: Bert Klandermans, Free University, Amsterdam

Associate Editors: Ron R. Aminzade, University of Minnesota
David S. Meyer, University of California, Irvine
Verta A. Taylor, University of California, Santa Barbara

Volume 23  David S. Meyer, Valerie Jenness, and Helen Ingram, editors, *Routing the Opposition: Social Movements, Public Policy, and Democracy*

Volume 22  Kurt Schock, *Unarmed Insurrections: People Power Movements in Nondemocracies*


Volume 20  Nicole C. Raeburn, *Changing Corporate America from Inside Out: Lesbian and Gay Workplace Rights*


Volume 18  Maryjane Osa, *Solidarity and Contention: Networks of Polish Opposition*

Volume 17  Mary Margaret Fonow, *Union Women: Forging Feminism in the United Steelworkers of America*

Volume 16  Bert Klandermans and Susanne Staggenborg, editors, *Methods of Social Movement Research*

Volume 15  Sharon Kurtz, *Workplace Justice: Organizing Multi-Identity Movements*

Volume 14  Sanjeev Khagram, James V. Riker, and Kathryn Sikkink, editors, *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*

For more books in the series, see page 319.

---

**ROUTING THE OPPOSITION**

Social Movements, Public Policy, and Democracy

David S. Meyer, Valerie Jenness, and Helen Ingram, Editors

Social Movements, Protest, and Contention

Volume 23

University of Minnesota Press
Minneapolis • London

[2005]
Inside and Outside the State: Movement Insider Status, Tactics, and Public Policy Achievements

Lee Ann Banaszak

The forces that led to its [one branch of the women’s movement] formation were set in motion in 1961 when President Kennedy established the President’s Commission on the Status of Women at the behest of Esther Peterson [sic], then director of the Women’s Bureau. Operating under a broad mandate, its 1963 report, American Women, and subsequent committee publications documented just how thoroughly women are still denied many rights and opportunities... The activity of the federal and state commissions laid the groundwork for the future movement. (Freeman 1975, 52)

Equal employment opportunity for women began its development as a national policy during John F. Kennedy’s presidency. Support for the principle was among the recommendations of the President’s Commission on the Status of Women, which, from 1961 to 1963, investigated women’s position in American society and drew up an agenda of desirable reforms. The Commission marks the beginning of governmental recognition of women’s status as a legitimate matter for policy consideration. The Kennedy years also witnessed the first legislative recognition of federal responsibility toward working women, the Equal Pay Act of 1963... Both the initiatives... resulted from Kennedy’s delegation of responsibility for women’s affairs to Esther Peterson. (Zohman 1982, 23)

These two renditions—one oriented toward the movement and one toward the policy—tracing the beginnings of the second wave of the women’s
movement, highlight the role of the Kennedy administration, particularly the assistant secretary of labor, Esther Peterson, as crucial in aiding and inspiring future mobilization. However, there are two very different views on how to interpret this event from a social movement perspective. The first and more common view is to see the Kennedy administration’s action as an opening in the structure of political opportunities. Kennedy, in an attempt to woo and keep women supporters for the Democratic party, especially in the face of rising support for the Equal Rights Amendment, provides an opening in the state, which mobilizes women into a new emerging movement. This view, accepted by both authors above, portrays the establishment of the President’s Commission on the Status of Women as an action of a politically motivated government, separate from a not-yet-existent women’s movement.

However, another interpretation, examining the important role of Esther Peterson, begins with a focus on the continuity in the first and second waves of the women’s movement (Rupp and Taylor 1987; Ryan 1992). In this interpretation, Esther Peterson is not just a lackey of the Kennedy administration; she is an activist in a preexisting women’s movement, albeit one that is divided (Banaszak 1996a; Harrison 1988) and in abeyance (Rupp and Taylor 1987). One group of women’s organizations that developed from the old suffrage coalition advocated protective legislation for women workers (Harrison 1988, 7–8; see also Banaszak 1996a; Ryan 1992). Prior to the development of the second wave, movement organizations such as the Women’s Trade Union League had influence in the Women’s Bureau (Stetson 1995, 267). As a part of this tradition, Esther Peterson, the woman who developed and promoted the idea of a presidential commission to Kennedy, had long been an advocate for women workers. Viewed this way, the creation of the President’s Commission on the Status of Women becomes not just a political opening created by a separate state and distinct political allies external to the movement, but an outcome of the movement molding its own opportunities as well. However, it is a movement tactic that can be performed only by a particular type of movement activist, one who straddles the borders between the state and the movement, or between a movement and its allies.

This chapter argues that to understand the tactics, strategies, and outcomes of a social movement, particularly decisions to undertake moderate tactics or to take to the streets, we must reexamine the boundaries we draw between a movement and “others,” especially the state. Social movement and public policy literatures both draw strict lines between the state and social movements. In contrast, I argue that the degree to which movements have activists or organizations located within the state varies, both at the emergence of the movement and over time. This claim contradicts the views of social movement scholars who argue that for social movements to challenge the political order they must be located completely outside the polity (see, for example, Banaszak, Beckwith, and Rucht 2003a; Jenkins and Klandermans 1995; Tilly 1978). While the movements discussed here exist outside the state, they may have overlapping memberships with the state. The overlap occurs because states, as sets of institutions, may have members who also are movement activists either through social movement organizations or by being “occasional contributors” or participating in “nonorganized, spontaneous activities” (della Porta and Rucht 1995, 232). I label this overlap the state-movement intersection. Furthermore, I argue that the size, location, and historical context of this state-movement intersection influence the larger movement’s development, strategies, and outcomes.

I will first discuss previous analyses of the interactions between states and movements within the social movement literature and develop some initial hypotheses that argue that movements can be located more or less within the state. I differentiate my concept of state-movement intersection from previous discussions of institutional activists and movement institutionalization. In the next section, I examine how public policy affects the development of the state-movement intersection, shaping the fundamental character of the movement. The state-movement intersection cannot be understood without exploring how public policy, in part movement achieved, creates new locations for movements within the state. In the final substantive section, I argue these intersections are important because they produce different mixes of tactics within social movements. I illustrate this with examples from the U.S. women’s movement.

The State and the Social Movement in Social Movement Theory

Although the state and its relationship to social movements has become an increasing focus of the social movement literature (Banaszak, Beckwith, and Rucht 2003b; Birnbaum 1989; Flan 1994; Jenkins and Klandermans 1995; Tarrow 1998), such elaborations follow Tilly (1978) by firmly locating movements as independent actors outside the state. As a result, social movement scholars typically discuss the state and a social movement as two separate entities engaged in largely conflictual interactions. Views of the state and its role in interacting with social movements differ. Some authors discuss the state largely as a coherent entity that does not change over time (Kitschelt 1986; Birnbaum 1988); others recognize that the state is an amalgamation of actors with potentially different relationships to social movements that also change over time, particularly as they interact with other
actors (Flam 1994; della Porta and Rucht 1995; Tarrow 1998). Moreover, the state can play many roles in relationship to social movements; it can be the target of social movement demands for change, the facilitator/repressor of social movement protest, the enforcer of social movement outcomes, or an ally/opponent in the struggle for social movement change. In all of these cases, the state is divided sharply from the movement; it is part of the political environment that movements encounter.

However, once we concede that states and movements are composed of actors, collective and individual, that may behave in diverse and sometimes conflictual ways, we open up the possibility that some actors may be members of both the state and a social movement.

Some scholars of social movement have begun to acknowledge the existence of this intersection between movements and the state. Santoro and McGuire (1997) explicitly challenge the idea that members of the state and social movement activists are separate by arguing that institutional or insider activists significantly increase the likelihood of achieving policy outcomes desired by the social movement. Mary Katzenstein’s analyses of movements within the church and the military (1998a, 1998b), although not focused on the state per se, show how movement actors may exist and act within established institutions and how they can undertake protest within the established boundaries of institutional action (see also Moore 1999, 99). While Katzenstein does not expressly address the intersection of institution and movement, because the movements she studies exist solely within institutional boundaries, her analysis goes far to establish the possibility of such an overlap. Finally, Smith and Lipsky (1993) specifically examine the process by which nonprofit groups become part of the state through the contracting out of state functions.

Each of these analyses is limited in its usefulness. Neither Katzenstein nor Moore focuses on the institution of the state. Given the unique characteristics of the state as an institution and its large role in social movement contention, it is necessary to explore the specific intersection of the state and social movements. Both Smith and Lipsky and Santoro and McGuire challenge the traditional boundaries of state and movement. Yet Smith and Lipsky examine only a specific part of the state-movement intersection—the incorporation of nonprofits into state activities. Although Santoro and McGuire develop the theoretical concept of institutionalists, in the end they do not necessarily view these individuals as part of the movement but rather as institutional (or insider) resources for social movements (see Santoro 1999). In talking about the state-movement intersection, I am arguing that movement activists who are part of the state should be recognized as part of the movement as well.

The women and politics literature has gone much further in recognizing and exploring the intersection between women’s movements and the state, although much of this literature has received little attention within the larger social movement literature. Within the literature on “state feminism” there have been a number of individuals who have concentrated on “femocrats” (Eisenstein 1996; Mazur 1995a, 2001, 2002; Outshoorn 1994, 1997; Pringle and Watson 1992; Sawer 1995; Stenton and Mazur 1995; Vargas and Wierenga 1998). These authors recognize that the state is not a uniform actor and that parts of the state may indeed harbor feminists who may influence movement tactics and related policy outcomes (Mazur 2001; Outshoorn 1994; Sawer 1995; Stenton and Mazur 1995). Within this field, the term “femocrat” has various meanings, ranging from all women who occupy policy-making positions in “women’s policy machineries” (see Outshoorn 1994 or Watson 1990) to feminists within any part of the bureaucracy (see, e.g., Eisenstein 1990) to feminists within women’s policy machineries (see, e.g., Sawer 1995).

Despite its depth, the literature on femocrats still leaves several holes in terms of our understanding of the state-movement intersection. First, by focusing solely on the intersection of women’s movements and the state, the literature loses the chance to examine the way other social movements interact with the state and how variations in state-movement intersections play a differential role in movement development. In particular, many of the authors within the femocrat literature argue that the patriarchal nature of the state and society largely determine the effects of femocrats (see, for example, Mazur 2001, ch. 1; Pringle and Watson 1992). I wish to separate the effects of patriarchy from those that result from the effect of the state as a unique and powerful institution in its own right.

Although much of the literature investigates policy outputs, where the movement has been the center of attention, authors have tended to confine the existence of movement activists within the state with debates on the choice of insider/outsider tactics (see, for example, Eisenstein 1990; Outshoorn 1994, 1997). The presence of feminists within the state is assumed to indicate the use of insider or institutional tactics, and therefore any significant state-movement intersection is considered synonymous with insider tactics. In this view, only supporters of insider tactics become femocrats, or individuals who take such jobs are completely molded by bureaucracies. Yet feminists may take positions in government while maintaining outside activism (particularly if they hold positions outside of women’s policy machineries). In addition, as some of the examples will indicate,
movement activists within the state may even use their position to encourage extra-institutional or protest tactics by the movement. While it seems likely that larger state-movement intersections encourage the use of insider tactics, this should be a hypothesis that undergoes examination.

Even those individuals who have gone the furthest in recognizing the existence of feminists in the state have tended to implicitly characterize femocrats as separate from the movement. For example, Outshoorn, in interviewing women in women’s policy positions, separates them into allies of the movement and professionals. Yet, she notes, several of the feminist bureaucrats she interviewed “denied the implicit dichotomy of my question by pointing out resolutely that they themselves were part of the movement (or by saying ‘you belong to both’)”: (1994, 152). Similarly, Vargas and Wieringa (1998) note that feminists have become both politicians and civil servants. Yet when they start to analyze the creation of public policy they refer to “iron triangles,” implicitly separating feminist politicians and femocrats from the women’s movement.

Placing femocrats outside the movement distorts the view of the women’s movement in two ways. First, it reduces the diversity of the movement. In a time when scholars are increasingly emphasizing the diverse and different opinions within the movement itself, labeling femocrats as the “other” excludes their voices from our understanding of the movement. Second, to the extent that femocrats are associated with particular tactical choices, defining them as outside actors produces distorted views of the women’s movement by tending to make the movement seem more united around extra-institutional tactics than it is in reality.

If we are to comprehend the interactions between movements and states, we need a theoretical perspective that incorporates an understanding of both movements and states as diverse entities that may have multiple points of intersection. Such a perspective must acknowledge the intersection of states and movements and analyze the effect of state-movement intersections on the development and tactics of the movement as well as on state-movement interactions and their outcomes.

**Conceptualizing State-Movement Intersections**

To begin with, we need to define the concept of the state-movement intersection so that it can be clearly identified for any social movement. The state-movement intersection consists of self-identified members of the movement who also hold recognizable positions within the state. Like the researchers of femocrats, I am interested primarily in those movement activists within the state in positions that allow them to influence policy outputs. On the other hand, like Eisenstein (1990), I prefer not to identify primary locations within the state that movement activists must occupy. Rather, the state-movement intersection (in the form of movement activists within the state) may be located in multiple locations within the state, not just in those agencies that are considered primary policy makers in the area of interest to a particular movement. In the discussion that follows, I utilize this definition when I refer to the state-movement intersection.

In addition to a conceptual definition, we need to create a way of measuring or characterizing state-movement intersections. These intersections can be measured along three different dimensions. First, one can simply talk about the number of movement activists within the state. For example, on one extreme, the South African apartheid movement represents one movement that had few if any activists located within the state. On the other hand, movements such as the environmental movement may have many members within the ranks of the state. It is also important to remember that movement activists in the state may be drawn from specific parts or wings of a movement. For example, Freeman divided the women’s movement into “older” and “younger” wings. In talking about the creation of the National Organization for Women, one of the premier movement organizations of the older wing, she notes that the founders “were primarily from the professions, labor, government and the communications industry” (1975, 55), while the younger wing came largely out of “social-action projects of the 1960s” and had little connection to government (56). Thus, a movement’s representation within the state may not reflect the character of the movement as a whole.

Second, movements can be characterized by the type of movement outsider status that occurs. Returning to Tilly (1978), social movement scholars have viewed movements as challengers, existing outside of the state or “polity.” However, I argue that this outside existence can vary quite a bit from movement to movement. Consider, for example, the civil rights movement and the environmental movement. In the case of the civil rights movement, blacks were explicitly and completely excluded from the polity in most southern states. These exclusions included legal prohibitions that disenfranchised them as well as social norms and repression that excluded African-Americans from any form of participation. The environmental movement faced a different kind of exclusion. Legally, members could vote and hold office; no norms excluded them from holding offices of power. Yet many of their ideas were unacceptable to established political parties so that they largely were not adopted or supported by government actors.

Figure 5.1 arrays different types of exclusion along a continuum. An
important part of this continuum of outsider status for my purposes is the several ways that movements may be outsiders even while existing within the state. Movement actors can be inside the government, but they may not be established members/players in the polity. For example, movement actors can be marginalized in parts of the bureaucracy that are ignored by key players; even with official positions within the state they may have little or no ability to influence policy. Indeed, Mazur (1995b) describes the Ministère des Droits de la Femme in France as a women’s policy machinery that was highly marginalized within the state. It is even possible to go one step further and have movement activists as full and equal partners in policy discussions. However, if this represents a norm of access to the discussion without the possibility of affecting the final policy decisions, the activists in the state are still ultimately outsiders since there is no hope of effecting the changes desired by the movement.

Third, state-movement intersections can occur at different locations within the state. There may be very different ways of characterizing state locations. In liberal democracies, one may examine whether movement activists enter the bureaucracy, parliament, and the judiciary as well as institutions of interest mediation such as political parties and parapublic institutions (P. Katzenstein 1987).6 In federal countries, one can examine state-movement intersections at national and subnational levels.

For specific movements, there may be different ways to categorize locations within the state. One important distinction is between locations of government recognized as related to the movement and those that are not. Some parts of the state may be more open to participation by movement actors than others. For example, bureaucratic agencies created as a result of movement action may be more accessible to movement actors than other bureaucratic agencies. As Eisenstein (1996) and others have noted, we might expect to find governments more accepting of feminist activists within women’s policy machineries. However, the interests of movement activists do not always coincide with the agencies created by the state to address movement demands. We might also expect to find movement activists in other arenas related to their interests. For example, feminists in the United States interested in violence against women are unlikely to enter the Women’s Bureau, located in the Department of Labor, which does not have jurisdiction over this policy problem. Similarly, environmentalists are as likely to be drawn to the Department of Energy and the Department of Agriculture as to the Environmental Protection Agency. Location within the state is likely to be important since some places may be better for movement activists to achieve policy ends. For example, Bonaiuti (2000) has argued that affirmative action policies failed in the Bureau of Housing and Urban Development (HUD) but fared better in the Equal Employment Opportunity Commission (EEOC) because HUD was divided by multiple purposes and independent agencies, served multiple constituencies, and suffered from a scandal in one part that tainted the entire agency. As a result, issues of constituency, purpose, and history may all come to bear on whether a particular location within the state is more or less useful to movement activists.

Although this conceptualization of the intersection of states and social movements suggests that three different dimensions are important, I will look at the size of this intersection and discuss why large intersections between the state and social movements might be important for our understanding of social movements and the role that public policy plays in influencing such intersections.

**Theorizing the Effects of State-Movement Intersections**

If the existence of the state-movement intersection has been ignored by social movement theorists, this is only problematic if these intersections influence the development, tactics, or outcomes of social movements. In this section, I present some initial hypotheses relating the size of the state-movement intersection to movement tactical choices.

Many of the theories about the dynamics of social movements suggest that movements may become more conventional in their tactics, particularly when encouraged by governments to do so (Piven and Cloward 1977; Meyer and Tarrow 1998; Tarrow 1998). In particular, Piven and Cloward argue that the state may incorporate some movement elites into the political system, thereby moderating their demands and demobilizing process. The unflattering stereotype behind this claim is of the bureaucrat who believes that only institutional paths lead to change. This view is predicated either on the idea that those individuals who choose jobs within the state do so
because they already believe that institutional paths to change are the best way or on the idea that once individuals become insiders their views become completely molded by their careers.

One need not rely solely on these premises to assert that insiders will tend to choose insider tactics. Insiders may also choose insider tactics because they have a wider array of such tactics available to them (Tilly 1978). Because they learn insider tactics in the course of working in government, they are more likely to employ such tactics than those who have less knowledge of and facility with insider repertoires. Following any of these lines of argument would lead to the hypothesis that a large state-movement intersection increases the likelihood of insider tactics.

On the other hand, political opportunity theories offer a more nuanced view of the connection between the state-movement intersection and insider tactics. Movement activists within the state do have a closer perspective on the political opportunities afforded by insider tactics and therefore are likely to be better informed about the actual political opportunities that exist. This increase in information is important since several theorists have suggested that social movements must recognize the existence of political opportunities in order for these to affect social movement activities (Banaszak 1996b; Sawyers and Meyer 1999). If movement activists within the state are most likely to be aware of the array of political opportunities within the state, we might see these activists utilizing more insider tactics. Yet this perspective implies that where they have information that inside opportunities really are closed, we would expect movement activists within the state to pursue extra-institutional tactics.

As the size of state-movement intersections increases for any particular movement, we might expect the use of insider tactics to increase as well unless all avenues are closed, when we would expect to see movement activists in the state also encouraging outside tactics. If true, insider status and insider tactics need not be synonymous; under some circumstances we should see insiders perpetrating outsider tactics. Before we examine the connection between insider tactics and movement activists in the state, we need a better understanding of how and why state-movement intersections develop.

The Development of State-Movement Intersections

The factors that lead to the creation or transformation of state-movement intersections can be categorized in terms of supply and demand. On the one hand, there may be reasons that social movement activists become drawn into the state. Some of those reasons may relate to the specific characteristics of the individuals themselves (and the corresponding distribu-

tion of those characteristics across movements); others may relate to the movement activists’ experiences within the movement (e.g., activists may develop an increasing expertise through interaction with the state that leads them to desire a career in the state). Factors that lead activists to enter the state are considered supply factors, that is, they increase the supply of activists in the state.

On the other hand, the state may seek to encourage movement activists to enter the state by providing differential opportunities. They may alter such opportunities over time as their desire to have movement input waxes and wanes. For example, less than two months after the Kennedy assassination, Lyndon Johnson publicly vowed to follow the Commission on the Status of Women’s suggestion by hiring fifty women in top government jobs. The scramble for qualified appointees led to women’s organizations as varied as the Business and Professional Women’s Organization to the Lucy Stone League nominating qualified candidates (Harrison 1988; Zelman 1982). The government’s encouragement of women activists provides a demand reason for the increase in the state-movement intersection. While there are potentially many factors that contribute to the state providing such opportunities, I will focus on the role that public policies play, giving examples from the women’s movement.

The Role of Public Policies

While public policy may affect movement activists’ interest in working with the state indirectly, policies are more likely to influence the state-movement intersection by increasing and decreasing opportunities for movement activists to enter the state. The literature on social movement outcomes recognizes that access to the state can be one type of positive outcome (Banaszak 1996b; Burstein 1985; Gamson 1990; Schumaker 1975). However, this form of social movement success usually is conceived much more broadly than mere opportunities for increasing the size of the state-movement intersection. Gamson, for example, in discussing four indicators of “acceptance,” mentions “inclusion” as the fourth indicator.8 “Inclusion” is defined as the most extreme form of acceptance where challenging group members are given “positions of status or authority in the antagonist’s organizational structure” (1990, 32). As I have already suggested, Piven and Cloward (1977) have most explicitly focused on the specific form of acceptance implied by movement activists entering the state.

I describe three ways that public policies make opportunities for movement activists to gain entree to state positions: change in organizations, personnel, and operating rules and norms. I provide examples of each by
looking at the changes wrought by the early demands made by the U.S. women's movement for equal opportunity in employment. While particular public policies may create more than one of these changes at a time (for example, a new operating rule also creates changes in personnel), they each represent different mechanisms by which policies may create opportunities for movements to enter the state.

*Organizational change.* Public policies often result in the creation, combination, or elimination of specific organizations (i.e., departments, agencies) that can open or close opportunities for movement activists to enter the state. Policies that mandate new governmental activities sometimes create new organizations to implement those policies, or more often they assign new tasks to existing organizational entities. When the policy change is pursued by a social movement, the organization in charge of the new policy may seek to utilize movement expertise in administrating the new programs. While this may happen both when organizations are created and when the existing competencies of an organization are expanded, new organizations are more likely to create opportunities for movement activists to enter the state. In part, this reflects the lack of incumbent personnel to take up the existing tasks and the attraction to movement activists of being able to build the organization from the ground up.

In the case of the women's rights movement, the passage of the Civil Rights Act of 1964 and the creation of the Equal Employment Opportunity Commission provided opportunities for entry into the state. The EEOC created one hundred initial openings for staff whose job it was to deal with complaints of sexual and racial discrimination (EEOC 2000, 5). While most of these positions were filled by personnel from other parts of the federal bureaucracy, others entered the government for the first time. Furthermore, although the women's movement had not yet experienced resurgence, those with an interest in discrimination sought positions there because it appeared to be an exciting place to work (author's interview with former EEOC lawyer, May 11, 2002).

*Personnel changes.* Government policies may also result in fundamental changes in the people occupying particular positions, granting greater (or in other cases limiting) access to state positions for movement activists. For the women's movement, the creation of the Equal Employment Opportunity Commission was not the only factor. Indeed, because Title VII did not apply to federal employees, the creation of the EEOC did not alter many personnel decisions within the federal government. However, in 1967, under pressure from women's organizations and the President's Commission on the Status of Women, President Johnson signed executive order 11375, which added a ban on sexual discrimination to the previous executive order that outlawed racial discrimination in federal employment (Zelman 1982, 116). Because the previous executive order also called for affirmative action, the Civil Service Commission immediately instituted the Federal Women's Program, which was designed to improve women's position within the civil service (Harrison 1988, 202). Although the order created no new agencies (outside of a federal Women's Program coordinator), the growing opportunities for women as a whole increased the supply of positions available to feminist activists.

The legislation and executive order that banned discrimination in hiring for women and minorities had a lasting effect on equal employment policies for both groups. However, it is worth noting that policies that create personnel changes may also be administration specific. Particular governments may choose to increase the number of movement activists or make other personnel changes that create opportunities for movement activists. Lyndon Johnson's 1964 decision to appoint fifty women to high-level positions represents such an opportunity. Similarly, Richard Nixon named Barbara Hackman Franklin as his staff assistant responsible for recruiting women to high-level positions in the federal government. Indeed, changes in the size of the state-movement intersection may be one of the results of the traditional political opportunity that occurs when allies come to power in government.

*Changes in operating rules and norms.* Finally, policies may influence the degree to which movement activists enter the state even when organizational charts remain unchanged and there is no attempt to alter government personnel. The operating rules and norms of government organizations can make government positions more attractive or make particular locations within the state more or less hospitable to movement activists. In the case of the EEOC, the executive director often informed affected the norms of the commission. The first two executive directors of the EEOC discouraged the enforcement of the sex provision of Title VII, even though one-third of the complaints filed in the first year cited sex discrimination (EEOC 2000, 7). Indeed, Herman Edelsberg, the second executive director, was quoted in the press as saying, "There are people on this Commission who think that no man should be required to have a male secretary—and I am one of them" (Harrison 1988, 187). The hostility toward enforcing the sex provision of Title VII was so explicit in the first years of the EEOC that it became the motivating force behind the creation of the National Organization for Women (NOW) and provoked the resignation of Aileen Hernandez, the five-member commission's only woman (Harrison 1988, 196). This example illustrates how particular leaders can influence the operating rules
and norms of state institutions, making entrée into the state more difficult (or attractive) to movement activists.

When should we see these sorts of policy changes? I have used a fairly specific and narrow example (equal employment policy and the women's movement) to illustrate how policy changes the organization, personnel, and operating rules and norms of the state in ways that alter the state-movement intersection. I suspect that such examples are ubiquitous. Anytime the state adopts policies (even informal ones) that affect the movement or its goals (and perhaps even in some other cases), it alters the state-movement intersection.

Such policies are not likely to be evenly distributed over time or space. As Baumgartner and Jones note, policy change can occur both incrementally and in bursts, when "old ways of doing things are swept aside, to be replaced by new organizational forms" (1993, 235). Burstein (1999, 17-18) argues that smaller changes, like the turnover of administrations, also provide opportunities for movements to influence policy implementation because there is wider discretion at these times. The examples I have described involve both the sweeping transformations chronicled by Baumgartner and Jones (the passage of Title VII) and the more ubiquitous change described by Burstein (Johnson's fifty-women campaign). Both forms of policy transformation inspire changes in movement actors within the state as the public policies that create or close opportunities for entrée are first implemented and then altered.

Similarly, some states and some parts of each state will be more vulnerable to state-movement intersection than others. Moore (1999, 101) argues that institutions like the state are more open to challenge (and therefore change) when the clients that are served determine institutional support, especially when those clients are organized. This suggests that states that are more open to movements (see, for example, Kitschelt 1986) are likely to have greater intersections with social movements. The state institutions that deal with issues of importance to the movement—like the EEOC in the United States—are also likely to have larger numbers of movement activists for both demand and supply reasons.

The State-Movement Intersection and Insider Tactics

Examining the connection between insider tactics and U.S. women's movement activists within the state requires two steps. Because the state-movement intersection has not been examined in great detail, I first describe the size of the intersection between the state and the women's movement. I then bring some evidence to bear on the questions of whether and how this state-movement intersection influences the choice of insider tactics by the movement. For each of these steps, I utilize both quantitative and qualitative evidence. The quantitative data are drawn from existing sources and as such provide at best a hint about the general overview of the intersection between state and women's movement. The qualitative data are drawn from archival research on the early years of the second wave of the women's movement, oral histories drawn from the Schlesinger Library's Women in the Federal Government collection, the Pennsylvania State University's A Few Good Women collection, and a small number of interviews with women's movement activists who held positions in the U.S. bureaucracy. I identified these "insider" activists by their clear and sustained activism within feminist organizations as documented in the historical record. The fourteen women interviewed were active in the early phase of the second wave (1964-72), and the qualitative examples are all drawn from this period. These interviews were conducted as part of an ongoing project on the effects of the state-movement intersection on the U.S. women's movement.

Describing the Intersection between the U.S. Women's Movement and the State

Determining the number of movement activists within the state is difficult because there are no consistent statistical data on the movement (or even organizational) membership of U.S. bureaucrats. I rely here on several different measures that might provide some insight.

While not all women are feminists, knowing the number of women in the civil service provides a theoretical upper bound in measuring the degree of intersection between the state and the women's movement. The percentage of women in bureaucratic positions with the government is a statistic that has been collected over time and so provides a sense of how the potential size of the state-movement intersection could change over time. Figure 5.2 presents the percentage of women employed in upper GS pay

<table>
<thead>
<tr>
<th>Year</th>
<th>% of women in GS13-15 jobs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>3.64</td>
</tr>
<tr>
<td>1977</td>
<td>5.16</td>
</tr>
<tr>
<td>1981</td>
<td>8.55</td>
</tr>
<tr>
<td>1985</td>
<td>11.10</td>
</tr>
<tr>
<td>1989</td>
<td>15.48</td>
</tr>
<tr>
<td>1993</td>
<td>19.84</td>
</tr>
<tr>
<td>1996</td>
<td>22.17</td>
</tr>
</tbody>
</table>

Figure 5.2. Percentages of GS13-15 jobs held by women, 1966-96. (Data from Naff 2001, 41, for 1977-96; U.S. Civil Service Commission 1968, 11, for 1966.)
grades of the federal government over three decades. The figure suggests that there has been considerable growth in the proportion of women in the U.S. bureaucracy. In the ten years between 1966 and 1977, the percentage of women in these midlevel pay grades grew by over 40 percent. Nonetheless, in 1977 women still constituted a small percentage of the workforce in these pay grades; by 1996 they had grown to a larger percentage, although they were still underrepresented compared to their proportion in the working population. Interestingly, much of that growth occurred between 1981 and 1993, under the Reagan and Bush administrations, when the number of women in higher GS grades almost doubled. Thus, there was tremendous growth in the number of women in higher-level governmental positions over the three decades of the women’s movement, providing the potential for greater state-movement intersections.

Figure 5.2 represents only the upper limit of movement activists within the state; many of the women in those high-level GS grades are not feminist activists. It is more difficult to uncover whether these numbers represent an influx of movement activists into the state, particularly over time. I found only one survey, conducted in 1977, that asks women bureaucrats to identify whether they are active in women’s organizations. The Center for the American Woman and Politics (1978) surveyed women appointees to the federal executive branch in 1977. That survey suggests that during the Carter administration, women’s movement activists were quite common in this group. Of the twenty-two women who completed the survey and answered this question, 36 percent stated that they were members of feminist social action organizations such as the National Organization for Women (NOW) or Women’s Equity Action League (WEAL). Over half of the respondents mentioned belonging to other sorts of women’s organizations, including groups like the National Federation of Business and Professional Women, that sought greater opportunities for women. However, the survey suffered from a low response rate, both for the entire survey (only 40 percent returned the questionnaires) and for the particular question (of the thirty-five individuals who answered the survey, only twenty-two—62 percent—completed this question). Thus, we have information for only 25 percent of the total female federal appointees surveyed, and it is possible that individuals who responded were more likely to be feminists. Nonetheless, the numbers suggest that the percentage of activists at the highest levels of the bureaucracy may be fairly large under the right circumstances. Even if we assume that all nonrespondents are nonfeminists, we would still conclude that at least 9 percent of the women appointees were members of feminist organizations. Given the small proportion of the general population that ever becomes active in social movements, this number is significant.

My qualitative interviews with early feminist activists who were employed by the federal government and the oral histories I consulted mirror the survey during the Carter administration. None of the women I interviewed were political appointees during the early years of the women’s movement, and none of them served in the same agency of government, yet all mentioned that there were relatively few women above GS-13 in government and that they were usually the only woman at this level in their own offices. As a result, they tended to form networks with women at the same levels in other offices, departments, and agencies, particularly with those already supportive of a feminist agenda. In the years prior to the revitalization of the women’s movement, feminist networks developed through interdepartmental or interagency cooperation on issues, external organizational membership, or the few government training programs where women could go. For example, the President’s Commission on the Status of Women resulted in a number of midlevel bureaucrats (particularly those who were attorneys) being assigned tasks that brought them into contact with the committee. Most of these women were also members of women’s professional organizations (such as the Business and Professional Women’s Organization and the National Woman’s Party) where they met other women with similar interests. Finally, while women were largely excluded in the 1960s from advanced training courses for midlevel bureaucrats, the Department of Agriculture’s Graduate School offered such a course for women where feminists from different offices met each other.

Thus, there is both qualitative and limited statistical evidence that the U.S. women’s movement did have a presence within the federal government from the beginnings of the second wave through the mid-1970s. Many of the women I interviewed were working in the federal government as the second wave of the women’s movement began, and many of them considered themselves feminist activists even in these early years. Given the existence of an intersection between the U.S. women’s movement and the state, I now turn to an exploration of how that intersection influenced the tactics of the U.S. women’s movement.

Insider Activists and Insider Tactics

Given the lack of any systematic information about state-movement intersections, it is difficult to say anything about how movement activists in the state affect the movement. To take a first cut at whether employment within the state influences movement activists’ activity, I examined feminist activists
in the Verba et al. (1990) American Citizen Participation Study data. Because I have selected only activists in organizations who said that they were most active in women's organizations, the number of movement activists is very small. Nonetheless, Table 5.1 shows that there is little relationship between use of protest as a tactic and movement activists' location vis-à-vis the state. Movement activists who were also government employees were less likely to state that they had engaged in protest activity in the past two years, but the connection between tactics and insider status is not statistically significant.\(^{13}\)

These data hint that movement activists located within the state may not utilize tactics different from those used by activists outside the state. Although we can analyze this analysis only as suggestive, there does not appear to be a "linkage of location, form, and content" (M. Katzenstein 1998b, 195). Freeman's categorization of old and new movement activists may explain one reason for the lack of difference among feminist activists in government. Freeman argues that movement activists in government are located in the older wing of the women's movement. They may not differ in their tactics or beliefs from other members of that wing, but the different wings, drawn from different groups of women, each have radically different emphases in terms of content and tactics (Freeman 1975; Ferree and Hess 1985; Ryan 1992). Without more information on the activists and their characteristics, we cannot conclude that the employment in the state is the cause of the small and insignificant difference among activists in Table 5.1.

Moreover, knowing that feminist activists within the state are engaging in protest less than those activists outside the state does not provide conclusive information that this group is more conservative or moderate than other activists. We are faced with a paucity of information about the sorts of activities in which such movement activists engage. The qualitative evidence from existing oral histories and my own qualitative interviews with early feminist activists help to fill this void. Although not providing systematic evidence about all feminist activists within the state, these data illustrate the activities of a number of feminists who were employed by the federal government.

One thing that becomes clear from my interviews is that feminist activists within the state had a wide array of nonprotest tactics available to them and that participation in protest appears to have been chosen primarily when other inside tactics were ineffective. Two examples illustrate tactical decisions made by feminist insiders within the bureaucracy.

First, many of the feminist activists I interviewed (or who have left oral histories), were lawyers. In the late 1960s, a number of them—many among the founding members of NOW—represented women suing employers in court for employment discrimination. This legal work was done off the job, but their place in the federal government gave these feminist activists considerable insight into the initial workings of the EEOC, including the knowledge that it ultimately had no compliance mechanism, and information (through grapevines of feminist activists in government) about which plaintiffs needed legal help (Paterson 1986; Pressman Fuentes 1999; author's interview, March 25, 2002). Many of these equal employment cases became the biggest early successes for the rising women's movement.

Although feminist activists within the state often acted within institutions, as Katzenstein (1998a) and McAdam, Tarrow, and Tilly (2001) argue, this by no means made their tactics moderate or conventional. There is evidence in the early women's movement to support the unconventional nature that institutional tactics may take. For example, because the Equal Employment Opportunity Commission had no enforcement powers before 1972, its feminist lawyers turned to other institutional means to encourage compliance. In the case of AT&T, a company that accounted for about 7 percent of the commission's workload, attempts to use conciliation to change policies were unsuccessful. One EEOC lawyer, who was also active in NOW's Legal Defense Foundation, found out in 1970 that AT&T was petitioning the Federal Communications Commission (FCC) for a rate hike. This lawyer developed a strategy to have the EEOC attempt to block

<p>| Table 5.1. Cross-tabulation of feminist activists in and out of the state by protest activity. |
|----------------------------------|----------------------------------|------------------|</p>
<table>
<thead>
<tr>
<th></th>
<th>Nongovernmental employee</th>
<th>Governmental employee</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engaged in protest in past two years</td>
<td>No</td>
<td>(46%)</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(83%)</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(58%)</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>(54%)</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(17%)</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(42%)</td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>13</td>
<td>(100%)</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>19</td>
<td>(100%)</td>
<td></td>
</tr>
</tbody>
</table>

Source: These data were taken from the American Citizen Participation Study conducted by Verba et al. (1990) (ICPSR data set 6635).

Note: Feminist activists are women who state that they are most active in women's organizations. To make sure that this category does not include women working in anti-feminist or other women's organizations, women were asked a number of questions about attitudes toward equal opportunity, gender roles, and abortion. Those giving nonfeminist answers were excluded (as was the lone male who was most active in women's organizations). Fisher's exact method produces a \( p = .1366 \).
the rate increase (Freeman 1975, 189; Shapiro 1973). As this lawyer told the story, the EEOC’s argument was molded to present a “really revolutionary view of sex discrimination... We wanted to present the whole sociology and psychology of sexual stereotypes as it was inculcated into the Bell System structure” (Washington Post, May 20, 1973). Thus, despite using an institutional approach, the activities of this insider feminist were neither conventional in tactics nor moderate in ideology.

Second, feminist activists employed by the federal government did not limit their activities to institutional activities: many organized or participated on the front lines of very public protests. In 1967 several women from the Washington, DC, chapter of NOW organized a picket of the EEOC to protest its ruling that permitted separate help wanted ads. The protests occurred when the EEOC was ignoring sex discrimination cases and some leaders of the EEOC had made very discriminatory statements. Feminist activists within the federal government were aware that the EEOC was essentially closed to issues of sex discrimination, and it was these activists who encouraged and organized the pickets. The press coverage in the Washington Post (December 15, 1967, B3) included a photograph of one of the picketers, who was identified by name—but not by the fact that she was employed in a different federal agency. In fact, of the approximately dozen women who marched on the picket line in Washington, DC, that day, two or three of them were employees of the federal government. A few other feminist activists within government supported and helped to organize the pickets but had serious concerns that their jobs might be in jeopardy, which kept them from actually participating in the pickets. 14 Feminists inside the state did participate in and support extra-institutional protest, but they chose this particular tactic only when working within the system (in this case the EEOC) did not seem possible.

The emphasis on the moderation of movements by insiders represents a major thesis within social movement theory. The preliminary evidence on feminist activists presented here suggests that there is little to indicate that a larger state-movement intersection will produce less protest. The small sample of feminist activists from the American Citizen Participation Study does not allow us to say with certainty that state-movement intersections contribute to either growing moderation or a demobilization of the movement. There are also at least some examples of insiders choosing protest activities when other opportunities are closed. Yet, the anecdotal evidence suggests that the size and character of the state-movement intersection influences the movement’s tactical decisions.

Conclusion

In 1975, Jo Freeman, looking at a vibrant and active women’s movement, concluded:

> There is clearly a symbiotic relationship between feminists within our governmental institutions, feminists operating in the private sphere, and even feminists who are openly opposed to and/or alienated from the American political system. (230)

In this chapter, I have focused on those portions of the movement and the state that overlap, particularly the “feminists within our governmental institutions” that Freeman mentions. That feminist activists, civil rights activists, and environmental activists sometimes take jobs within the state is no secret to any social movement scholar or movement activist. Yet social movement scholars ignore these activists when they define social movements as necessarily outside the state and characterize movements and states as separate entities interacting with one another. In fact, both movements and states are more complicated than such an analysis suggests. I argue that we must redefine movements and states as institutions that have the potential for overlapping memberships.

The call for a more nuanced view of movements and states is more than a trivial conceptual redefinition. These state-movement intersections can have important effects on the development and outcomes of social movements. In this chapter, I have examined one particular aspect of social movement development—the decision to take to the streets or work the air-conditioned halls of government. This dichotomy is often complicated by the belief that working within the state means moderating the movement. Social movement and feminist scholars have often (with some important exceptions) assumed that when movement activists choose to work within the state they are tempering their goals and moderating their tactics. The preliminary evidence presented in this chapter suggests that the connection between the state-movement intersection and insider tactics is more tenuous. Feminists working in the state often chose insider tactics—but not always. When they perceived that opportunities within the state were closed, they were willing to take to the streets. Moreover, some of the actions that occurred within the halls of government were by no means moderate, as the EEOC’s attempt to block AT&T’s rate hike suggests.

The women’s movement presence within the state also provided additional opportunities, which might have been absent if the movement had existed solely outside the state. Networks of feminists in the federal bureaucracy in
the late 1960s gave the movement access to information about women pressing equal employment claims against corporations. This information allowed the women’s movement to press for social change using the courts (often using lawyers whose day jobs were in the federal bureaucracy). It also helped the movement identify opportunities within government (i.e., an EEOC ignoring its mandate to protect women) that directly led to protest politics.

Not all social movements will have as large an intersection with the state as the U.S. women’s movement seems to have had. I am arguing for increased attention on state-movement intersections because this may be one important variable that distinguishes different social movements, and even the same social movement, over time. I have also tried to explore some of the factors that might explain variations in the size and character of state-movement intersections. Public policy is a vital link in our understanding, accounting for many of the dynamic changes in state-movement intersections, which in turn may affect the choice of tactics, the type of outcomes, or the mobilization and destabilization of the movement. The formation, modification, or elimination of particular public policies changes the organization of government, moves people in and out of institutions, and creates a web of operating rules and norms that determines the functioning of the state. These types of changes, whether profound or minute, sometimes even in areas far removed from the social movement’s primary issue, may alter the state-movement intersection by changing the supply of movement activists interested in positions within the state or by altering the demand of the state for movement activists.

Notes

This essay was initially prepared for the workshop on "Social Movements and Public Policy," January 11-13, 2002, Laguna Beach, California. The author thanks Karen Beckwith, David Kirchner, Amy Mazur, Dieter Rucht, Jennifer Schoomaker, Dorothy McBridge Setton, and the editors of this volume for comments given in the course of developing this chapter. I also thank Chad Lavin for an insightful question that led to this essay.

1. There is a very large literature on the use of insider tactics and strategies as opposed to traditional extra-institutional tactics (see, for example, Amenta, ch. 1 this volume; Banaszak 1996b, ch. 7; Ferstein 2001; Rochon and Mazmanian 1993). However, the decision to utilize insider or outsider tactics is a separate concept from the overlap in groups and individuals of movements and states, as I will discuss more fully later.

2. These unique features of the state include a monopoly on the legitimate use of force and its position as regulator, in liberal democracies, of the mechanisms that allow outsiders to directly influence the institution, such as elections (Moore 1999, 106; Fogg 1990).

3. Women’s policy machineries are defined, following Setton and Mazur (1995), as the bureaucratic institutions within the state responsible for policies specific to women. The names of these institutions and the specific types of policies that fall under the rubric "specific to women" vary quite substantially across countries. In this chapter, I also include in my discussion of women activists within the state those individual bureaucrats making women’s policy in departments or agencies that have other primary concerns.

4. Ouchoorn (1994, 144) is an exception in recognizing this underlying assumption.

5. One reason for not pre-associating particular locations with the movement is that the identification of specific agencies with individual issues is often the result of considerable conflict, and even if seemingly stable in the short term may undergo rapid change in some periods (Buunberger and Jones 1993).

6. As we move away from government institutions and into other parts of the state, it becomes more difficult to speak as clearly about state institutions. Institutions of interest mediation present a problem since they begin to overlap more completely with elements of social movements such as social movement organizations. In this chapter, I avoid this conundrum by keeping my discussion largely on the bureaucracy.

7. The supply-demand analogy used here is inspired by Randall (1987) and McCarthy (ch. 3 this volume).

8. Ganser defines acceptance as "acceptance of a challenging group by its antagonists as a valid spokesman for a legitimate set of interests" (1990, 28).

9. In any case, the EEOC’s leadership was initially openly hostile to enforcing the sexual discrimination clause (see, for example, Harrison 1988, 187–91).

10. It is also possible that men may count themselves among feminist activists. The qualitative interviews turned up the names of several male bureaucrats who are active members of feminist organizations. However, they are likely to be fairly rare.

11. It seems more plausible that the women in high GS grades during the Reagan and Bush administrations are more likely to be countermovement activists.

12. The exceptions were the Women’s Bureau, the Children’s Bureau, the Bureau of Home Economics, and the Office of Education, all of which had higher concentrations of women in the mid- and upper levels of the bureaucracy (Kipfinger 1942, 303–4).

13. Because chi-squared tests can be unreliable when the expected cell counts are less than 5, I also used Fisher’s exact method for calculating probabilities, which is not subject to the same concern (see McNemar 1969, 272–75). The result
using chi-squared and Fisher's was the same (p = .1366), indicating that there was not a significant difference between activists and nonactivists.

14. Given that the 1937 Hatch Act forbids federal employees from taking "an active part in political management or in political campaigns" (U.S. Civil Service Commission 1949, 11), the danger to the jobs of these participants was very real. For example, the boss of one of the picket participants expressed concern that the activist's presence in public demonstrations might adversely affect his office. From then on, that particular activist wore a disguise when participating in public demonstrations (private communication, July 15, 2002).

References


———. 1995b. “Strong State and Symbolic Reform.” In Comparative State
The Policy Nexus: Professional Networks and the Formulation and Adoption of Workers' Compensation Reforms

Ryken Grattet

Social Movements and Public Policy Making

Scholarship on social movements and public policy exist as largely isolated enterprises (Meyer, introduction to this volume). They rely on different theoretical languages, concepts, and motivating questions, and individual studies in one field of scholarship rarely cite work in the other field (some exceptions are Burstein 1998, 1999; Amenta 1998; Amenta and Halfmann 2000). This is surprising given that social movements frequently focus on public policy to define some set of putative conditions as a social problem and given that public policy is frequently the product of social movement activism. In many ways, this gap represents the linchpin of this volume. What is needed is a common theoretical vocabulary for describing how social movements and government are connected to one another and how policy is shaped by the nature of that connection.

In this chapter, I propose some concepts and an analytic strategy for unpacking movement–public policy relationships, and I use these tools to investigate the Progressive era movement for workmen’s compensation. Compensation reform provides an illustrative case because it reveals how focusing either on extra-state social movements or on intragovernmental public policy dynamics can be misleading. At first glance, compensation reform appears to be a case where “outsiders,” business and labor groups, successfully lobbied for a policy change; however, a closer analysis reveals that a third group, professionals—some of whom were located “inside” the state—were significantly involved in formulating the systems that were ultimately adopted by states. As such, the case points out the limits of the