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Do Politicians Use Policy to Make Politics?
The Case of Public Sector Labor Laws

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Abstract: Schattschneider’s insight that “policies make politics” has played an influential role in the modern study of political institutions and public policy. Yet if policies do indeed make politics, rational politicians clearly have opportunities to *use* policies to create a future structure of politics more to their own advantage—and this strategic dimension has gone almost entirely unexplored. Do politicians actually use policies to make politics? Under what conditions? In this paper, we develop a theoretical argument about what can be expected from strategic politicians, and we carry out an empirical analysis on a policy development that is particularly instructive: the adoption of public sector collective bargaining laws by the states during the 1960s, 1970s, and early 1980s—laws that fueled the rise of public sector unions, and “made politics” to the great advantage of Democrats over Republicans.

In his classic study of the Smoot-Hawley tariff, Schattschneider (1935) famously argued that policies make their own politics. Scholars in American political development, public policy, and comparative politics have since brought this notion to the theoretical center of their work and have provided considerable evidence that he was right (Hacker and Pierson, 2014).

The adoption of Social Security, for example, created a constituency of senior citizens so supportive of the program that it became politically untouchable (Campbell, 2003). The adoption of airline deregulation led to a restructuring of the airline industry that transformed the interests of the major players, giving them incentives to support a deregulated system that most had initially opposed (Patashnik, 2008). The adoption of welfare state policies of various kinds throughout the developed world generated new mass constituencies that powerfully resisted when governments tried to cut back on programs and benefits (Pierson, 1994).

Policies shape politics whether anyone intends for it to happen or not. When a new program is created, so are new constituencies and new interests—and new politics—and in the literature, this built-in phenomenon has played a key role, via the concept of policy feedback, in scholarly explanations of the politics of public policy (e.g, Pierson, 1993; Mettler and Soss, 2004).

But while significant progress has been made, an important dimension of inquiry has gone unexplored. For if policies make their own politics, strategic politicians would surely want to anticipate that and take advantage of it. They would want to use policy to shape the future structure of politics and power to their own benefit. In doing so, moreover, they are not limited to simply trying to enhance or fine-tune the feedback effects highlighted in the literature, in which a policy gives rise to political consequences that (often) bolster support *for the policy itself*. The strategic opportunities for politicians are much broader than that, and potentially far

more potent. For even a single, substantively focused policy—think, for example, of immigration reform—may have political consequences for the partisan balance of power.

The introduction of agency, then, opens up a whole new realm of important issues. How common is it—and what are the incentives—for politicians to pursue these politics-shaping opportunities as they make decisions on public policy? Under what conditions does it happen? And what can that tell us about why particular policies get adopted, why they get designed in specific ways, why the political battle lines on policy take shape as they do, and how policies might be intentionally used to shape the larger structure of partisan politics throughout the nation and over time? So far, this line of inquiry has barely been explored. But it needs to be if the payoffs from Schattschneider’s original insight are to be fully realized (see also Patashnik and Zelizer, 2013).¹

We view this paper as an early step along the way. We focus here on a policy development that, in our view, is a particularly instructive target of inquiry: the adoption of public sector collective bargaining laws by the states during the 1960s, 1970s, and early 1980s. It is instructive for two basic reasons. The first is that these labor laws have proven enormously consequential for modern American politics, fueling the emergence of a new population of powerful political organizations—public sector unions—that have shaped the American party and interest group systems in ways that work to the great advantage of Democrats and the great

¹ There is a literature on how choices about *institutions* get made; and, because the main purpose of institutions is to shape politics, this literature has long recognized that political actors make institutional choices with the latter’s consequences for politics in mind—although the political consequences are usually narrowly construed, e.g., in terms of how the institution’s expected policy outputs square with the designers’ ideal points (e.g., Krehbiel, 1991; Weingast and Marshall, 1988; Epstein and O’Halloran, 1999; Moe, 1989). When political scientists have sought to understand *policy* choices, by contrast, they have focused on how the content of policy—and its implications for constituencies and interest groups—affects the electoral prospects of politicians, with no explicit attention to how or whether the policy in question might “make politics.”

disadvantage of Republicans (DiSalvo, 2015; Moe, 2011; Flavin and Hartney, forthcoming). This is a development, then, that represents a major example of policies shaping politics. And because its partisan effects are massively asymmetric, we see it as a paradigmatic easy case: if politicians are motivated to make their policy decisions with politics-shaping consequences in mind, we should observe them doing it here. We should see Democrats pushing hard for these new labor laws and Republicans opposing them.

The second reason this policy development is so instructive is that, despite the widespread importance of public sector unions to American politics, political scientists have paid almost no attention to them in their theory and research. The literatures on parties and interest groups, in particular, virtually ignore them.² Precisely because Schattschneider was right—policies do shape politics—the labor laws that gave rise to public sector unions need to be understood as important determinants of the modern structure of American politics. And by featuring them here, and providing an empirical analysis of their political foundations, we aim to shed light on a vastly underappreciated policy development that deserves serious scholarly attention.

Our analysis unfolds in three parts. In Part 1, we start by examining whether Democrats were indeed the champions of public sector labor laws and Republicans their staunch opponents. Using state-level data, we find little reason to doubt the Democratic half of this “obvious” expectation, but we also show that there is a striking lack of support for the Republican half. In fact, it turns out that Republicans played pivotal roles in the adoption of these labor laws—and thus in igniting the growth of powerful new organizations that would strongly oppose Republican candidates and objectives. Why would Republicans do that? In Part 2, we offer an

² For exceptions, see Moe (2006, 2011); Anzia (2014); Anzia and Moe (2015); DiSalvo (2015); and Flavin and Hartney (forthcoming).

explanation by developing a theoretical argument about what can be expected from strategic political actors—in any realm of policy—as they think about using policies to shape the future structure of politics. The heart of the argument is that collective action problems often limit the conditions under which individual politicians will actually take these kinds of strategic actions—leading to outcomes that, in the aggregate, may look strange or irrational. In Part 3, we carry out an empirical analysis of individual-level voting by state legislators on public-sector labor laws, testing the implications of this theoretical perspective and showing that it is well supported by the evidence.

Again, we view this as an early first step. The Schattschneider-based research agenda is a rich and very promising one, and much more work remains to be done. We argue that there are good reasons, theoretical and empirical, for thinking that politicians will sometimes use policy to shape politics and that these efforts can be important—but also that there are built-in incentive problems that *limit* the conditions under which they will take these kinds of strategic actions. The challenge, going forward, is to figure out how constraining these limits actually are, how consequential politicians can actually be in shaping politics to their own advantage—and what it all means, and has meant, for the larger structure of politics and power.

Part 1: Revisiting the Conventional Wisdom

During the first half of the 20th century, American governments at all levels were broadly resistant and often hostile to the unionization of their own workers. Collective bargaining in the public sector was largely illegal throughout the country, and very few public workers belonged to organizations that could rightly be called unions. Unionization in the private sector, which had been furiously opposed by business and Republicans for decades, was given an enormous boost by the adoption of the National Labor Relations Act (NLRA) in 1935—a hallmark of the

Democratic New Deal—and the membership, finances, and political involvement of private sector unions soared in subsequent years. By the late 1940s and early 1950s, the labor-Democrat alliance had been cemented and stood at the very center of the American party system, with the Democrats benefiting considerably (if still losing to Eisenhower) from a newly empowered and enlarged labor constituency that they had played a key role in creating. Public sector workers, meantime, were left on the sidelines. They were not included in the NLRA, and they remained unorganized, weak, and politically unimportant (Walker, 2014; Slater, 2004).

Massive change, however, was just around the corner. In 1959, Wisconsin became the first state to adopt a labor law authorizing collective bargaining for public sector workers. And together with President Kennedy's 1962 executive order authorizing collective bargaining at the federal level, these early moves signaled the beginning of a stunning wave of new labor legislation across the states—modeled after the NLRA—that in little more than two decades brought legally sanctioned collective bargaining to virtually all states outside the South. Along with it came an explosion of union organizing and a huge increase in membership—which increased ten-fold between 1960 and 1976 (Goldfield, 1989-90; also Freeman, 1986; DiSalvo, 2015; Moe, 2011).

By the early 1980s, union density in the public sector had soared to 37 percent of the public workforce (and to much higher levels in many states and cities), where it stabilized over subsequent decades. Meantime, private sector unions—beset by rising competition, globalization, and structural change in the economy—were in perpetual free fall: a decline that actually began in the late 1950s, although few realized it at the time. Today, less than 7 percent of private sector workers are unionized—and the organizational behemoths of yesteryear, such as the United Auto Workers and the United Steel Workers, are but shadows of their former selves.

It is now the public sector unions that lead the union movement and hold center stage politically, particularly the biggest and most prominent among them: the National Education Association (NEA), the American Federation of State, County, and Municipal Employees (AFSCME), the Service Employees International Union (SEIU), and the American Federation of Teachers (AFT).³

These developments have had major impacts on American politics. Public sector unions enroll more than eight million members, are among the top contributors to political campaigns, field vast numbers of campaign workers, fund massive media operations, and marshal many other potent political resources—almost all of them in support of Democrats and in opposition to Republicans. They are core members of the Democratic Party coalition. They are also interest groups whose resources, electoral activity, lobbying organization, and intense involvement in the political process put them in the top tier of all groups that seek political influence. Their rise to prominence has been consequential at the national level; but they have been especially consequential at the state and local levels, where most of their members work, where most public money in American government is spent, and where government policies are most directly relevant to member jobs.⁴

The states' adoption of collective bargaining laws is a prime example of policies making their own politics. It is difficult, in fact, to think of other policy changes during the modern era (aside from the 1960s civil rights laws) that have had comparable impacts on the structure of American politics, at least on such a grand scale. The winners and losers, moreover, are quite clear. These are developments that—like the NLRA and its earlier boosting of private sector

³ For data on union membership, go to www.unionstats.com.

⁴ For data on the campaign contributions of public sector unions, which overwhelmingly favor Democrats over Republicans, go to www.followthemoney.org (for state level contributions) and www.opensecrets.org (for national level contributions).

unions—have worked to the advantage of Democrats and the disadvantage of Republicans, and in a very big way. So why did these laws get passed? And in particular, were Democrats the driving forces behind these new laws, and were Republicans fiercely opposing them? What exactly happened?

One would think that, given the importance of these events, there would be quite a bit of scholarly work we could turn to in seeking answers. But in fact, there is very little. As we've said, political scientists have studied American politics, its interest group system, and its party system without paying serious attention to public sector unions, much less to the history of legal changes that fueled their rise to prominence. Even more surprising, perhaps, historians have not paid attention to them either (as noted by Shaffer, 2002; McCartin, 2006). There is a huge literature on labor history, but virtually all of it focuses on private sector unions, which are universally taken to embody and represent the "union movement." The common theme is that the union movement is in decline: a phenomenon that scholars then try to explain, explore, or suggest ways of reversing. We should note that, in those rare cases when political scientists have written about unions, they have done much the same thing as historians: they have focused on unions in the private sector as the sum total of the union movement, as well as on the relationship between these private sector unions and the Democrats, and they have highlighted and explored the political consequences of union decline (e.g., Dark, 1999; Schlozman, Verba, and Brady, 2013).

The questions that concern us here, then, cannot be answered by reference to an existing body of scholarly work. That said, there are various threads of evidence in disparate scholarly accounts that, when woven together, create a tapestry that looks very much as most educated observers would expect it to look. In cities like New York and Philadelphia, in the years before

1960, unions managed to gain collective bargaining rights—from supportive Democratic mayors. The Wisconsin breakthrough in 1959 came about under the bold leadership of Gaylord Nelson—the state’s first Democratic governor in more than twenty years. Efforts to organize federal workers, frustrated under Eisenhower’s Republican administration, mushroomed when the Democrats came to power under Kennedy, as his watershed executive order signaled a new, more union-friendly era in government (e.g., West, 2009; Slater, 2004; McCartin, 2006). The importance of Democratic control also shines through in case studies of labor law adoption in particular states, such as in Saltzman’s (1988) study of Illinois and Ohio.

These accounts, and many more like them, have given rise to a conventional wisdom that seems to make eminently good sense. As labor historian Joseph A. McCartin (2006, p.79) expresses it, “On the local, state, and national levels, the success of public sector unions was almost always dependent upon an alliance between those unions and Democratic politicians...The record could not be clearer on this point: without the close collaboration that emerged between public sector trade unionists and Democratic leaders at all levels of government, the public sector movement would not have grown as quickly as it did.” Political scientist Alexis Walker (2015, p.190) gives a similar account: “Public sector unions’ demands were ultimately translated into law by the elections of Democratic mayors, legislatures, and chief executives whose elections almost always preceded passage of public sector collective bargaining laws.” Quantitative analysis affirms these conclusions. Notably, Saltzman’s (1985) study of labor laws for teachers shows that these laws were more likely to be adopted to the extent that state governments were controlled by Democrats.⁵

⁵ To our knowledge, the only account that departs from this conventional wisdom is DiSalvo (2015), who is alone in recognizing that many Republicans voted for these labor laws (although he does not present or analyze any data on that score).

As it stands, though, the empirical support for this conventional wisdom is exceedingly thin. Even Saltzman’s (1985) study, which is the most comprehensive to date, only scratches the surface when it comes to the political conditions conducive to adoption. His model measures Democratic strength as the number of state government institutions—the lower chamber of the legislature, the upper chamber of the legislature, and the governorship—that are controlled by Democrats. But this assumes that all unit increases in Democratic strength (as it is measured) have the *same* effect on the likelihood of adoption. In state separation of powers systems, however, there are multiple veto points, and thus multiple opportunities for the opponents of change to block new legislation (Tsebelis, 1999). If Democrats staunchly supported collective bargaining laws and Republicans staunchly opposed them, then what really matters is whether Republicans are in a position to block—which holds in governments that are divided (in any form) or under unified Republican control, and doesn’t hold only in governments totally controlled by the Democrats. If the conventional wisdom is correct, therefore, we should presumably find that the only partisan arrangement associated with these new laws is unified Democratic government.

Is that the case? To answer this question, we assembled data on when the states enacted collective bargaining for five categories of government workers: teachers, firefighters, police, other local government workers, and state government workers.⁶ We then took all of the states

⁶ Labor laws for government employees vary considerably across states and over time. In some cases, collective bargaining was legally prohibited. In others, the states adopted what the unions regard as half measures—by, for example, saying that collective bargaining is permitted but not required, or by granting public workers (unions) the right to “meet and confer” with employers or to “present proposals.” What the unions consistently and universally sought, however, were “duty-to-bargain” laws—modeled after the NLRA—that required government employers to recognize unions as the exclusive representatives of public employees, and to bargain with them in good faith in moving toward legally binding labor contracts. These are the laws that formally established collective bargaining, and so it is the enactment of these laws that we consider in this

that adopted collective bargaining for the various occupations, and we grouped them by the partisan configuration of their governments at the time of enactment.

The results, shown in Table 1, are eye-opening. What the table reveals is that *most* of the states adopting collective bargaining laws for public workers did so under *divided* government—not Democratic unified government. Equally important, and also masked by the statistical models in previous research, is the fact that that a reasonable number of bargaining laws were actually adopted under *Republican unified government*.⁷ This pattern, needless to say, is hard to reconcile with conventional wisdom—as well as with the Schattschneider-based expectation that the Republicans, with so much at stake for their party’s political future, would have opposed these new labor laws. It may well be that Democrats were the strongest supporters of state collective bargaining laws, but it is *not* true that Republicans uniformly opposed bargaining rights for government employees. Far from it, for most bargaining laws were actually adopted in political contexts where Republicans could have blocked their enactment—but didn’t.

Part 2: Theory

The strategic dimension of the Schattschneider-based theory seems compelling on its face. If policies make their own politics, then surely politicians would want to use policy to

paper. We focus only on *statutory* changes to collective bargaining laws—not changes made by other means. Some states, we should note, enacted comprehensive duty-to-bargain laws that granted collective bargaining rights to all public employees in one legislative bill—but most states did not do that. Most chose to grant bargaining rights to some government employees (such as teachers) but not others (such as firefighters).

⁷ We have also carried out our own analysis similar to that of Saltzman, using Cox proportional hazard models and our own data on collective bargaining law adoption. When we include Saltzman’s measure of Democratic strength (plus a dummy for the South), we (like Saltzman) find that increases in Democratic strength shorten the time to adoption. But when we model the “risk” of adoption using dummies for Democratic unified government and divided government (with Republican unified government as the excluded category), we find that divided governments were significantly more likely to adopt bargaining than Republican unified governments. Even this modeling strategy, though, masks the fact that many *Republican unified governments* adopted duty-to-bargain laws.

engineer a future structure of politics that is more to their advantage. And surely they would want to stop their opponents from doing the same. But the question is whether they have the incentives to take action along these lines.

Consider first the kind of policy feedback effects highlighted in the literature, where the focus is on how policies have the capacity—by putting benefits in the hands of mass constituencies, for example—to change politics in ways that bolster their own political support in future years, and thus enhance their own durability. Much of this is automatic. But even so, policies can be designed in various ways, some having more desirable feedback effects than others (Patashnik and Zelizer, 2013; Patashnik, 2008). Would the politicians supporting those policies have incentives to choose the specific designs that make those feedback effects as politically desirable as possible? Would they use policy to engineer the making of politics?

There is good reason to think the answer is yes—with qualifications. In the design of his signature policy of Social Security, for example, President Roosevelt was clearly being strategic. He insisted that it be funded through payroll contributions from each worker, believing that this particular design would increase citizens' sense of ownership and promote even greater political support for the new program (Derthick, 1979). More generally (and presidents aside), politicians in the American system are individual entrepreneurs, rooted in their own states and districts and concerned with pleasing the distinctive constituencies and interest groups that can get them reelected. If a politician supports a given policy compatible with those underlying interests, she may have corresponding incentives—in furthering the very same interests—to adopt a design that is best suited to ensure that policy's political support and durability.

Across the full range of policies and politicians, however, the qualifications are potentially serious. Politicians may be unaware in any given case that they can actually use

policy to shape politics, or of what the consequences might be if they did; they are also notoriously myopic, thinking only of their next election rather than the late-order effects of policy (Arnold, 1990); and as Mayhew (1974) reminds us, their embrace of policy may be due to position-taking or credit-claiming, not to genuine concern for the policy's success. All these factors can weaken the strategic connection between policy and politics. Yet even granting these qualifications, the saving grace (potentially) is that there may well be interest groups, perhaps very powerful and active ones, that *are* aware, *do* look far ahead, and *are* genuinely concerned about the policy—and that pressure politicians to “make politics” in ways that bolster the policy's durability. All things considered, then, it is reasonable to suggest that politicians will often have incentives to take politics-shaping actions that are policy specific.

Yet they also have opportunities for strategic design that are much broader and more far-reaching in their consequences—notably, for the overall balance of political power between the parties. What about these cases? Will politicians have similar incentives to use policy to shape the larger structure of partisan politics?

For this important domain of cases, the incentives are actually quite different. Public sector labor law offers a prime example. The impact of these policies on the structure of politics has far-reaching effects that strongly favor Democrats and disfavor Republicans—and these effects, for individual members of those parties, are collective goods (or bads). If the Democratic Party were a unitary actor (and sufficiently aware and forward-looking), it would strongly support these laws, and if the Republican Party were a comparable unitary actor, it would strongly oppose them. But they are not unitary actors. The actual decision makers in the policy process are individual politicians; and each of these actors, concerned about reelection and constituency, has incentives to do what is best for herself—not what is best for the party.

This collective action problem is well known, and it is at the heart of the modern theory of parties. The theory argues that party organizations arise in legislatures because individual party members recognize their shared fate and willingly delegate authority (along with the discretionary use of rewards, sanctions, and other tools and resources) to party leaders—who have incentives to be aware of political opportunities, to think ahead, and to promote the best interests of the party as a whole by orchestrating and constraining member votes (Cox and McCubbins, 1993). But this solution to the collective action problem is only partial, at best. The theory of conditional party government suggests it is most effective—with members supporting stronger party constraints on their own behavior—when they are already in substantial agreement on policy and ideology (Rohde, 1991; Aldrich and Rohde, 2001). The more diverse the members are, the weaker the enforced constraints of party, and the more members are free to follow their purely individual incentives.

One implication is that, to the extent that parties resemble the kinds of polarized, internally homogeneous organizations that have prevailed for roughly the past two decades, they are in a relatively good position to promote party discipline and (partially) mitigate the collective action problem. The modern era of polarization, then, is essentially a best-case scenario for politics-shaping behavior on the part of politicians (although even here, other parochial incentives at the individual level may get in the way). In earlier decades, however, these favorable conditions did not prevail (Mayhew, 1974; Rohde, 1991). The parties were much more internally diverse and thus, theory would suggest, far less capable of getting their members to shape politics to the party's advantage.

The labor laws we're concerned with here, of course, were enacted during this earlier era. So our expectation—for this or any other type of policy—is that politicians would be motivated

by their own individual-level concerns, not by what was best for their party as a whole. Thus, the Democratic Party stood to be hugely advantaged by the adoption of these laws, but individual Democrats would nonetheless not have incentives to vote for them on that basis. Similarly, the Republican Party stood to be greatly disadvantaged, but individual Republicans would not take that into account in deciding how to vote. How, then, would the members of these parties actually vote? What should we expect? An answer inevitably turns on the specific nature of the policy itself (Hacker and Pierson, 2014).

For Democrats, the incentives of individual members were actually in alignment with what was best for the party as a whole. This is because Democrats (outside the South) were the party of labor, strongly allied with unions, and for virtually all Democrats (outside the South) there were strong constituency and ideology-based reasons—purely at the individual level—for supporting these new laws. In following their own personal incentives as politicians, then, individual Democrats would automatically be making politics to the party’s larger advantage—even though, theory suggests, that was not what motivated them. The collective good came along as part of a package deal.

The Republicans were in a very different situation. In the first place, while today’s party can accurately be characterized as anti-union and homogeneously conservative, in earlier decades it had an appreciable number of moderates—and they were much more favorable to labor than conservatives were (Shafer, 2003). This was an important aspect of the party’s internal diversity. For this reason alone, there was a contingent of potential defectors—moderates—who had constituency and ideology-based incentives, as individual politicians, to vote in favor of these labor laws despite their ominous future impacts on the party as a whole.

But there was a second problem for Republicans that stood to be even more disabling. During these earlier times, Republican conservatives were known as anti-labor because they—and their business allies—were often opposed to the *private* sector unions that dominated the union movement. Those unions, moreover, represented blue collar workers who were not a forceful presence in conservative constituencies. But the new labor laws under consideration pointed to a very different political equation. The employees now demanding collective bargaining rights—teachers, police officers, firefighters, nurses—were the employees of governments, not business. And these workers were a numerous, middle class, educated, and potentially very active political presence in every district, including conservative districts. Even from the standpoint of conservative Republicans, then, a vote for public sector labor laws may often have been the smart thing to do politically—with support from local constituencies, but no concentrated opposition.

So while the individual-level incentives of Democrats lined up nicely with what was best for their party's political future, exactly the opposite was true for Republicans. Theory suggests that many had incentives to support these new labor laws—and thus, as part of the package, to inadvertently support a new structure of future politics that was bad for their party. We should expect that Republican moderates were especially inclined to do this, but also that many conservatives would do it too. Their individual incentives were simply not aligned with promoting the party's collective good—and what they would get, as a result, was a collective bad.

From the standpoint of the larger theory, these incentives best capture the essence of the collective action problems that politicians face in using policy to make politics. But they are not the only incentives at work, of course. What the theory tells us is that, if we want to predict why

politicians do what they do in these situations, we need to pay attention to the individual-level concerns that motivate them—and in the case of labor law, there are other additional incentives at the individual level that we need to recognize and discuss. We’ll do that in the next section, as we present the specifics of our data analysis.

Part 3: Partisan Support for Collective Bargaining Laws

To explore the behavior of individual state policymakers, we compiled a new dataset. For each duty-to-bargain law passed between 1959 and 1990, we collected the final passage votes of as many state legislators as possible.⁸ The completed dataset includes 5,569 votes by individual legislators on 43 bills in 31 states, as well as the party affiliation and district number for each legislator.⁹ This information allows us to identify which legislators supported collective bargaining in the states that passed duty-to-bargain laws, to explore simple (but revealing) data on how they voted, and to carry out tests of hypotheses that bear on why they voted as they did.

Our most basic and general hypothesis (H1) from the theory above is that legislators will not be motivated by collective goods and bads for their parties, but rather by individual-level incentives—and thus that Republicans will support these laws at much higher levels than the long-term impact on their party might suggest. A second basic hypothesis (H2) that flows from this focus on individual-level incentives is that Republicans from moderate districts will support these new labor laws at higher levels than Republicans from conservative districts—but that even the latter will reveal appreciable levels of support.

⁸ We drop Nebraska because it has a nonpartisan legislature. We were unable to collect any votes for Hawaii, Massachusetts, Oklahoma, Rhode Island, and Vermont. We are also missing votes on some (but not all) of the bills in the following states: Connecticut (1965), Florida (1972), Maine (1965 and 1974), New Hampshire (1969), and Wisconsin (1966).

⁹ We dropped all votes that were not “yes” or “no” votes. In the Maine lower chamber, the 1969 vote was on whether to indefinitely postpone the bill; we recoded these votes so that a “yes” vote in our dataset means that the legislator favored passage.

To fill out the analysis, let's now turn to other individual-level incentives that stand to shape legislator behavior. While members of both parties may be affected by these incentives, we expect them to have their main impacts on Republicans. This is because Democrats already have compelling reason to be overwhelmingly in favor of these labor laws, and Republicans are the ones whose votes are problematic—and often pivotal for passage. Our primary focus in the data analysis that follows will accordingly be on the Republicans.

The first of these additional incentives is quite general: most legislators are concerned about their *electoral vulnerability*, and thus about the likelihood of losing their next election. Here, our hypothesis (H3) is that, to the extent that a Republican is worried about losing her next election, she will be more likely to vote for public sector labor laws.

Another important source of additional incentives has to do with the incidence of *strikes*. During the decades when these laws were being considered, the nation was swept by public sector strikes as government workers and their nascent unions sought to bring pressure on policymakers. Newspaper and magazine accounts make it clear that these new developments were widely regarded as quite troubling (Shaffer, 2002). There is evidence to suggest, moreover, that many policymakers felt a pressing need to deal with the immediate problem (or threat) of strikes, and that collective bargaining was presented by academics, labor-law experts, and union advocates as a *solution* to the strike problem: a practical way to substitute regularized negotiation for disruptive conflict, and thus to bring “labor peace” (McCartin, 2008). New York's Taylor Commission, for example, was set up by Republican Governor Nelson Rockefeller in 1967 to address the state's explosive strike problem; and its solution, which soon became law, was the granting of collective bargaining rights to public sector workers—along with a provision that explicitly made strikes illegal and subject to serious penalties (O'Neil and McMahon, 2007).

As labor allies, Democrats already had incentives to support collective bargaining, support the right to strike (which unions regard as essential to their bargaining power), and oppose anti-strike provisions. The prevalence of new strike activities during the 1960s and 1970s didn't change their incentives much. But for Republicans, there is good reason to think their incentives were affected, and we have three hypotheses on that score.

One (H4) is that, during the early going, Republicans had incentives to see collective bargaining as a solution to the strike problem, and thus to respond to strike activity by supporting new labor laws. A second (H5) is that, as time went on and labor laws were actually adopted in many states, Republicans could directly observe whether collective bargaining was actually solving the strike problem—and as the evidence mounted, their incentives to support collective bargaining would turn on that evidence. And third (H6), Republicans had incentives to oppose right to strike provisions, to support anti-strike provisions—and in compromises with Democrats, to vote for collective bargaining laws if anti-strike provisions were attached.

Strikes are a basic issue related to collective bargaining. Another (often referred to as right to work) has to do with whether non-members can be required to pay “agency fees” (often equal to dues) to unions that represent them in collective bargaining. Such provisions stand to bring the unions more money, and thus to increase their political power in future years to the advantage of Democrats. Theory suggests that politicians won't be motivated by such considerations. Unions will be, however, and they will pressure Democrats to support agency fee provisions as part of collective bargaining laws. For Republicans, agency fees gain relevance because opposing “forced unionism” has long been an ideological principal among the Republican base, and thus a local concern for individual politicians. We hypothesize (H7), then,

that Republicans will be more inclined to vote against collective bargaining laws when they allow for agency fees.

Empirical Findings

We begin our data analysis with two simple questions related to H1: Were Democrats unified, or nearly unified, in their support of collective bargaining? And was Republican support limited to a few crossover votes, or was it substantial? To answer these questions, in Table 2, we display the percentage of Democrats and Republicans who voted in favor of collective bargaining in each state and year, sorted by the year of the bills' passage.¹⁰

In line with our expectations, we find that Democratic support was extremely high in almost all of the states. In three quarters of the cases, more than 90% of the Democrats voted in favor of collective bargaining, and in many of those, Democratic support was unanimous. There were five exceptional cases in which the rate of Democratic support fell below 80%, but two of those were in the South (where many Democrats were conservative), and the remaining three were passed under unusual political circumstances—with some Democrats voting “no” because the bills were not sufficiently friendly to unions. Aside from these unusual cases (which we discuss in greater detail below), the clear pattern among Democrats is near-universal support for public sector bargaining laws.

For Republicans, our findings are eye-opening: Not only did Republicans fail to block collective bargaining laws during this period, as we showed earlier, but in a number of cases, the percentage of Republicans supporting enactment was quite large. In some states, such as California and Pennsylvania in 1968, almost all Republicans voted “yes.” In others, such as New Jersey, Maryland, and South Dakota, Republican support was *unanimous*. There is substantial

¹⁰ Illinois passed two bills in 1983, and Kentucky passed two bills in 1972. Votes on those bills are combined in this table.

variation in Republican support across states, however: in some states, collective bargaining laws passed with small percentages of Republican votes, such as in Iowa (36%). In a few, such as Ohio, not a single Republican voted in favor. What is striking about the findings in Table 2, then, is both the variation in Republican support across states and time and the fact that *so many* Republicans voted to grant collective bargaining rights to government employees. In our dataset, 65% of the Republican votes are “yes” votes. Such extensive support among Republicans is hard to square with the idea that parties were making policies to shape future politics, and is generally supportive of H1.

Why, then, did so many Republicans support collective bargaining? To test our other hypotheses, we need more information about the individual state legislators, their districts, and the bills they were voting on.

To test H2, we construct a measure of state legislative district ideology using county-level data on vote share won by Democratic presidential candidates. Because Democratic presidential vote share varies a great deal from election to election (in large part because the candidates are different), we chose two elections in which the national popular vote was closely divided between Republicans and Democrats: 1960 and 1976. Then, for all years between 1960 and 1976, as well as years before and after those elections, we linearly interpolated the percentage of the vote that went to the Democratic candidate within each county. Next, we collected historical maps of state legislative district boundaries from each state for the years that correspond to the votes in our dataset. Using these district maps, we identified the county or counties contained in each state legislative district.¹¹ Our measure of the ideology of a state

¹¹ We describe this procedure in the online appendix.

legislative district in a given year is therefore the (interpolated) Democratic presidential vote in the county or counties contained in that district.

Next, to create a measure of electoral vulnerability (for H3), we turned to the Klarner et al. (2013) dataset of state legislative electoral returns from 1967 to 2010. For each state legislator in our votes dataset, we created a measure of the closeness of his last election: an indicator that equals 1 if the state legislator won by a margin of less than 20 percentage points (the median in our data) and 0 if he won by a margin greater than 20 points.¹²

The last four hypotheses call for data on government strike activity and information on the strike and agency fee provisions of the collective bargaining bills. For the first, we used data from the U.S. Bureau of Labor Statistics on all government strikes between 1953 and 1981.¹³ To account for the bills' strike and agency fee provisions, we used our own information on the bills' contents to create four indicators: *Strikes banned* equals one if a bill banned strikes, left an existing strike ban in place, or harshened the penalties for strikes. *Strikes allowed* equals one if the bill made strikes legal or weakened the penalties for strikes. The variable *Agency fees allowed* indicates whether the bill allowed or required agency fees, and *Agency fees banned* equals one for the single bill in our dataset that banned agency fees—that of Delaware in 1969 (which, as shown in Table 2, received a low level of support from Democrats).

We focus first on H2—our hypothesis that Republicans from moderate districts were more likely to vote for collective bargaining than Republicans from conservative districts. Using

¹² In the online appendix, we also present the results of models using the continuous margin variable, but when we do that, it is not clear how to handle uncontested races. Many of those races were probably uncontested because the expected margins were large (and therefore those legislators should be considered “safe”). However, those margins would have been smaller had an opposing candidate—even a weak one—entered the race. In the online appendix, we exclude legislators from uncontested races.

¹³ These data are available from the ICPSR's “Work Stoppages Historical File, 1953-1981.”

logistic regression to model state legislators' votes ("yes"=1, "no"=0), we estimate the effect of a legislator's party affiliation (Republican=1, Democrat=0), our measure of state legislative district ideology, and the interaction of the two. In addition, we include our indicators of the bills' strike provisions and agency fee provisions. We cluster the standard errors by state.

The results of this model are set out in the first column of Table 3. As we expect, the coefficient on *Democratic presidential vote* is insignificant, suggesting that the ideology of Democrats' districts had no significant relationship to their votes on collective bargaining.¹⁴ However, we find that district ideology *did* matter for Republicans. At the bottom of column 1, we show that the sum of *Democratic presidential vote* and its interaction with *Republican* is positive and significant. From that hypothesis test, we learn that Republicans with moderate constituencies were more likely to favor collective bargaining than Republicans with more conservative constituencies, in support of H2.

In Table 4, we present some key predicted probabilities from this first model, which help to convey the magnitude of this effect.¹⁵ Specifically, we predict the probability of a "yes" vote for two types of Republicans: "Conservative Republicans" are those from districts where 34% of the presidential vote went to the Democratic candidate (the 5th percentile) and "Moderate Republicans" are those from districts where 55% of the presidential vote went to the Democratic candidate (the 95th percentile). In the top row of the table, we focus on the modal type of bill—one that bans strikes and does not include agency fee provisions. For that type of bill, the predicted probability of a "yes" vote was 63% among conservative Republicans. By contrast, it was 81% for moderate Republicans—an 18 point difference. Clearly, then, Republicans from

¹⁴ While it is surprising that the coefficient is negative (although insignificant), further investigation shows that the negative sign is driven almost entirely by New York, where the most liberal Democrats voted "no" to protest the bill's harsh penalties for strikes.

¹⁵ We use Clarify 2.0 to calculate the probabilities (see Tomz, Wittenberg, and King, 2003).

moderate districts felt greater pressure to support collective bargaining than Republicans from conservative districts.

In that same model, we also find some support for H6—our hypothesis that voting patterns were affected by how the legislation handled strikes. The presence of a strike ban did not significantly affect votes (see Table 3, model 1), but we do find that legalizing strikes or lessening the penalties for strikes decreased support among Republicans and strengthened support among Democrats. In row 2 of Table 4, we calculate the predicted probability of a “yes” vote for both conservative and moderate Republicans, this time on bills that allowed strikes (but that still contained no agency fee provisions). We find that conservative Republicans voted “yes” at a rate of 49%—a 14 point decrease from the percentage that approved of collective bargaining when strikes were banned. Support dropped among moderate Republicans as well, from 81% when strikes were banned to 71% when strikes were allowed. Clearly, the way that legislation handled strikes made a difference to the parties’ votes.

The inclusion of agency fee provisions in a bill also had a polarizing effect. In model 1 of Table 3, we find that Republicans were less likely to vote for collective bargaining when the bill explicitly allowed agency fees.¹⁶ And from Table 4, it is clear that this was a very large effect. There, in row 3, we calculate the predicted probability of voting “yes” on bills that allowed agency fees (but banned strikes). We find that only 20% of conservative Republicans and 39% of moderate Republicans voted “yes” under these circumstances. Thus, the effect of allowing agency fees was an approximately 42 percentage point drop in Republican support for collective bargaining, consistent with H7.

¹⁶ The effect of banning agency fees is also significant, but it does not merit extensive discussion because only a single bill banned agency fees.

Our next model tests H3 by adding the measure of legislator vulnerability. The coefficient estimates and key hypothesis tests are presented in column 2 of Table 3. (Note that the number of observations is smaller here because we do not have electoral data for votes prior to 1969.) Surprisingly, the coefficient on *Vulnerable* is positive, which means that more vulnerable Democrats were less likely to vote “yes.” However, further analysis shows that this coefficient is heavily influenced by a single bill: Montana’s collective bargaining bill for teachers in 1971. In that case, many Democrats voted “no” because they preferred the teacher union’s version of the bill to the one that was enacted. When we exclude the votes on that single bill (see the online appendix), the coefficient on *Vulnerable* is statistically insignificant.

For Republicans, however, the effect of vulnerability is positive: At the bottom of column 2 of Table 3, we show that the sum of the coefficients on *Vulnerable* and its interaction with *Republican* is 0.234, significant at the 10 percent level. Therefore, Republicans elected by small margins were more likely to vote “yes” than Republicans elected by large margins. In Table 4, we calculate predicted probabilities from the model to examine how large this effect was.¹⁷ We find that vulnerable conservative Republicans voted “yes” at a rate of 62% (see row 4), whereas safe conservative Republicans voted “yes” at a rate of 56% (see row 5). The effect of vulnerability was similar for moderate Republicans: they supported collective bargaining 75% of the time when they were vulnerable but only 71% of the time when they were not. Thus, the effect of electoral vulnerability was positive and significant, but relatively small—smaller than the effects of district ideology, strike provisions, and agency fee provisions.

Next we add state fixed effects to the model to account for the possibility that characteristics of the states—such as private sector union strength and the professionalization of

¹⁷ For the remaining predicted probabilities in Table 4, we set *Strikes banned* and its interaction with *Republican* at one and set all other bill indicators at zero.

the state legislature—affected Republican support. This modeling strategy allows us to ask whether *within* the same state, moderate and vulnerable Republicans were more likely to support collective bargaining than their conservative, less vulnerable Republican colleagues.¹⁸ The answer, as we show in column 3 of Table 3, is yes: Moderate Republicans were significantly more likely to vote for duty-to-bargain laws than conservative Republicans in the same state, and furthermore, more vulnerable Republicans were more supportive than safe Republicans. In rows 6 and 7 of Table 4, we present predicted probabilities from this model.¹⁹ We find that moderate Republicans were 17 to 19 percentage points more likely to vote “yes” than conservative Republicans. And for vulnerable Republicans, the probability of supporting collective bargaining was 6 to 8 points higher than for safe Republicans. Thus, the evidence supports H2 and H3 even when we examine within-state variation in ideology and vulnerability.

In the final three columns of Table 3, we test our two hypotheses (H4 and H5) about how government strike activity influenced legislators’ positions on collective bargaining. As we discussed earlier, the increasing strike activity of government employee unions was a major political concern in the 1960s. Many experts and political leaders argued that granting public sector workers collective bargaining rights would put an end to the unrest—and until the late 1960s and early 1970s, there was little evidence to either substantiate or invalidate that claim. If H4 is correct, Republican support for collective bargaining should have increased with the number of strikes nationwide—at least until there was direct evidence of the relationship

¹⁸ A downside of including state fixed effects is that they absorb theoretically interesting variation in Republican ideology and electoral vulnerability across states. Furthermore, they force us to drop the states where legislators unanimously voted for collective bargaining. We also exclude the bill indicators from this model because many of them are constant within states.

¹⁹ The base state here is Minnesota.

between collective bargaining and strike activity. In column 4, we test for this by including the number of government strikes in a given year as an explanatory variable.

As time went on, however, more and more states had experience with collective bargaining, and legislators could look to them for evidence. If it appeared that strike activity declined in states after they adopted duty-to-bargain laws, we would expect Republicans (and Democrats) to continue their support of collective bargaining. But if strike activity stayed the same after adoption—or even increased—we would expect a different pattern: Democrats, as close allies of labor, would persist in their support of collective bargaining, but Republican support would decline.

What, then, would state legislators have observed had they looked to the experiences of other states? Would they have witnessed a decrease in strike activity in states with collective bargaining laws? To investigate this, in Figure 1, we plot the number of government strikes in each year for 22 states—the states that enacted duty-to-bargain laws for three out of the five categories of government employees at the same time. (We exclude states that extended bargaining rights to only one or two categories of workers at a time, because those states might have continued to experience strikes in pursuit of bargaining rights for the excluded workers.) The vertical line in each graph depicts the year that the state adopted its law.

The trend immediately apparent in Figure 1 is that in almost *all* of the states, strike activity tended to *increase* after they adopted duty-to-bargain laws. In some states, the increase was quite dramatic. In Michigan, which adopted a comprehensive law in 1965, there were only two strikes in years leading up to adoption (one in 1963 and one in 1965), but in 1969—four years after adoption—there were *70 strikes*. Ten years later, in 1979, Michigan experienced nearly 100 government strikes. The pattern was similar in Pennsylvania, which enacted

collective bargaining for public safety workers in 1968 and all other government workers in 1970: while there were only 31 strikes in 1970, there were 87 in 1971 and 137 in 1975. Across the country, the gradual ramp-up of strike activity during the 1960s gave way to a full-blown explosion in the 1970s. And in this environment, it seems likely that state legislators would begin to question the earlier claim that collective bargaining would end government strikes.²⁰

If H5 is correct, then, we should find that Republican support for collective bargaining declined as strike activity continued to increase. We test this expectation in column 4 of Table 3 by adding the square of government strikes as a predictor, interacted with *Republican*.²¹ For Republicans, we find that the coefficients on *National strikes* and its square are both statistically significant at the 1% level—the first positive, and the second negative. Figure 2 depicts the total effect of strike increases on Republicans' votes—and shows how the direction and size of the effect depended on the number of strikes. When overall strike activity was low, the effect of more strikes on Republican support for collective bargaining was positive. But once there were more than 250 strikes per year—levels reached in 1968—the effect of more strike activity on Republican support was negative.

Again, the predicted probabilities help to demonstrate the magnitude of the effect. In Table 4, we present the probabilities of a Republican “yes” vote at four different levels of strikes: the levels of 1963 (29), 1968 (253), 1973 (389), and 1978 (525). As strike activity increased

²⁰ We are not arguing that the enactment of collective bargaining laws *caused* an increase in strike activity. Our conclusion from Figure 1 is simply that state legislators could readily observe the increase in strike activity in states that had adopted collective bargaining—and would have witnessed the explosion in strike activity throughout the country. That said, at least one anti-union group did try to make the case for a causal relationship: In a pamphlet widely circulated in 1974 (*Public Sector Bargaining and Strikes*), the Public Service Research Council argued that the enactment of collective bargaining laws led to an increase in government strikes. See McCartin (2008, p. 141).

²¹ We exclude the measure of electoral vulnerability here so that we can include pre-1969 votes.

from 1963 levels to 1968 levels, Republicans became much more likely to support collective bargaining. But that support waned as strike activity reached 1973 levels, and it dipped further still as strike activity achieved new highs in the late 1970s. At 525 strikes per year, the predicted probability of a “yes” vote is only 61% for moderate Republicans and 36% for conservative Republicans.

We next test for the hypothesized decline in Republican support (H5) in a different way: we create a measure of how Republicans might have thought about the relationship between collective bargaining and strikes at the time of their votes. Specifically, for each state in Figure 1, we first calculate the average number of strikes per year during the three years prior to its adoption of collective bargaining. Then, for all years after adoption, we subtract this pre-bargaining baseline from the number of strikes in that particular year. For most states and years, these differences are positive, indicating that strike incidence tended to be higher after adoption than before. (In all years leading up to adoption, we set this difference to zero.) We then sum these differences across all 22 states, by year. This aggregate measure, which we call *Post-bargaining strikes*, captures the extent to which strike activity changed after the adoption of duty-to-bargain laws. We link this measure to the votes in our dataset, using a one-year lag. For example, we assume that an Iowa legislator in 1974 would have considered how much greater strike activity was in bargaining states in 1973 than it had been in years prior to their adoption. By contrast, the variable *Post-bargaining strikes* is much smaller for legislators in Washington who cast their votes in 1967, when there were few states to look to for evidence, and therefore little reason to doubt that collective bargaining would reduce strikes.

In column 5 of Table 3, we include this variable and its interaction with legislator party. In support of H5, we find that as legislators could witness more and more strikes in states that

already had collective bargaining—suggesting that at least in the short run, collective bargaining might not bring labor peace—Republican support declined. We can see this from the hypothesis test at the bottom of column 5: when we add the coefficients of *Post-bargaining strikes* and its interaction with Republican, we estimate a negative effect, significant at the 1% level.

The predicted probabilities from this model (displayed in Table 4) show once again that the effect of strike incidence on Republicans' positions was quite large. For conservative Republicans, shifting from an environment of no strikes in bargaining states (and therefore no reason to doubt that collective bargaining would reduce strikes) to an environment of 206 strikes per year in bargaining states (the maximum in our dataset) reduced the probability of voting “yes” from 89% to 38%. For moderate Republicans, the effect was a change from 96% to 66%. These results strongly support H5: Republican support decreased as they could observe what was happening in states that had already adopted collective bargaining.

In a final model, we add our measure of electoral vulnerability, which limits the estimation to votes cast between 1969 and 1982. The coefficient estimates are presented in column 6 of Table 3, and the predicted probabilities are in Table 4. Even with this limited sample, we find considerable support for our hypotheses. For Republicans, the effects of moderate constituency, vulnerability, and post-bargaining strike incidence are statistically significant predictors of votes, in the expected directions.

Taken together, our findings show that on the issue of collective bargaining, many Republicans did *not* act in the interest of their party—they were thinking about *themselves*. Nearly two-thirds of the Republican votes in our dataset are “yes” votes. And those “yes” votes were disproportionately likely to come from Republicans who were from moderate districts, who were electorally vulnerable, and who hoped they could prevent government strikes—and avoid

the ensuing political fallout—by extending collective bargaining rights to public workers. Thus, an outcome that appears collectively irrational is entirely sensible when viewed from the standpoint of the incentives of individual legislators: by thinking about their own districts and own constituencies, Republicans played a critical, supportive role in enacting laws that greatly advantaged the Democratic Party.²²

Conclusion

Schattschneider’s insight that policies make politics has played an influential role, and rightly so, in the modern study of political institutions and public policy. When this notion has taken center stage, the focus has mainly been on how policies give rise to new interests and constituencies that, via policy feedback, shape the future politics of those policies. Important as this line of analysis is, however, there is also an important strategic aspect that arises from Schattschneider’s original insight. For if policies do indeed make politics, rational politicians have opportunities to *use* policies to create a future structure of politics more to their own advantage.

²² Are there any alternative explanations that might account for the patterns in our data? We don’t think so—although there are some scenarios that, on the surface, might seem plausible. Of these, perhaps the most notable is that *only conservatives* saw these labor laws and the rise of public sector unions as bad for the Republican Party, while moderates believed that the unions might be brought into the Republican fold as supporters of the kind of big-tent party that moderates hoped (but failed) to create; these very different assessments of the laws’ larger impact on the Republican Party, so the argument goes, might then explain the differences in voting behavior that we find between moderates and conservatives. Yet this explanation doesn’t hold up. Very briefly: (1) Whatever the beliefs of moderates and conservatives about party impact, it would still have been irrational for them to *act* on those beliefs, as their incentive (in a world of weak parties) is to free ride and act on their own individual-level incentives. (2) That aside, our data show that, while moderates were indeed more likely to vote “yes” on these labor laws than conservatives were, the data also show that—in absolute terms—the *level of conservative support was actually very high*: of the most conservative Republicans (the top 10%), 63% voted “yes.” This is critical evidence. Conservatives surely did believe that these laws would have negative impacts on their party, yet they voted “yes” in large numbers—which is consistent with our expectation, rooted in theory, that they were voting without reference to party impacts.

This strategic dimension has gone almost entirely unexplored, and even the most basic questions have gone unstudied. Do politicians actually use policies to make politics? Under what conditions and with what consequences? To what extent has the structure of American politics been shaped and reshaped through the strategic design of policy? As these questions only begin to suggest, there is an untapped research agenda here that flows naturally from Schattschneider's work, and that stands to shed considerable new light on the discipline's understanding of politics and policy.

This paper is an early effort to move that agenda forward. We develop a theoretical argument that highlights certain basics that we think are essential for understanding how rational politicians do—or don't—use policies to make politics. One of these is that politicians may often have incentives to “make politics” when the political consequences are *policy specific*. Another is that, when the consequences involve the *larger balance of power between the parties*, the incentives of politicians are diluted by collective action problems. As a result, politicians may not act at all on what seem like obvious opportunities, and indeed, may act in ways that are disadvantageous to their own parties and thus ultimately to themselves. These problems may be (partially) overcome when parties are polarized and homogeneous, as today's parties are. But when parties are more diverse, as they were in decades past, politicians can be expected to take actions that are good for themselves even if very bad for their parties.

Our empirical analysis brings data to bear on a case that is especially instructive: the adoption of public sector labor laws during the 1960s, 1970s, and early 1980s—a development of great political consequence for the larger structure of American politics that hugely favored Democrats over Republicans. What we show, most importantly, is that Republicans actually played pivotal roles in passing these labor laws, and thus in shaping the future structure of

politics to their own disadvantage. They behaved rationally as individuals, responding to district and constituency concerns of relevance to them as politicians—and not to the collective goods (or bads) that were being generated for their party. On a matter of key importance to the larger structure of politics, then, the collective action problem was indeed disabling.

As we look ahead, various implications offer promising avenues for advancing this Schattschneider-based agenda, but several stand out. One begins with our argument that, while it is precisely when the political stakes are broadly consequential for the parties that politicians have weak incentives to “make politics,” the flip side is that they are likely to have stronger incentives when the consequences are policy-specific. The opportunities for such policy-specific decisions are omnipresent across policy realms and time—making them quite central to an understanding of political dynamics, and attractive targets for new political research.

Among other things, research along these lines needs to explore the key qualifications we mentioned earlier, and just how problematic they actually are in the policymaking process. To what extent are politicians *aware* that they can use the design of policy to shape its future politics? Does their characteristic *myopia* prevent them from being concerned about, and taking steps to enhance, the long term durability of the policies they support? Does the attractiveness of *position-taking and credit-claiming* mean that their support for a policy implies no genuine commitment to its ultimate success, and no incentive to create a favorable future politics?

Perhaps most important, research on these qualifying conditions needs to be combined with new research on interest groups—for interest groups are likely to have incentives to care about the durability of policy, and to pressure politicians to “make politics” in ways that promote it. So far, this is a dimension of interest group behavior that has never been systematically studied. But it needs to be. And new work along these lines may well show, as we would

expect, that interest groups can play key roles in overcoming the incentive-weaknesses of politicians, and activating them to do what they might not otherwise do on their own.

Another line of inquiry calling out for new research has to do with those policies, like labor laws, that are broadly consequential for the parties. Here research needs to center on the collective action problems that weaken the incentives of politicians to “make politics”—but it also needs to recognize that these problems are not always disabling. The situation is more nuanced than that, and as a result there is much to explore about when these problems are disabling and when they aren’t. Here too, research needs to shed much more light on the role of interest groups, and specifically, on whether at least some types of groups—business and labor, conservative and liberal activists, and other groups wedded to one or the other party—may play roles that go beyond specific policy realms in pressuring politicians to do what is best for their parties.

That said, the top priority is clearly research on the parties themselves, and their capacity to get members to cooperate in “making politics” to their collective advantage. As we’ve said, today’s strong parties should be much better positioned to do this than parties were in past decades. This is a basic claim that, in itself, calls out for historical research on how parties have differentially acted through time to “make politics”—research that stands to shed light on a dimension of party behavior that has yet to be systematically explored. Along the way, research needs to determine whether the potential impact of policies on the partisan balance of power does indeed have greater incentive-value in recent decades—due to the cooperation-inducing role of strong parties—and thus helps explain the political dynamics behind some of the salient, politics-making issues of our time: from immigration reform to Obamacare to union “card check” legislation.

The argument we've developed in this paper is just a start. What it points to, for now, are the substantial limits on the incentives of politicians to "make politics" through the design of policy, the key roles of interest groups and parties in (potentially) overcoming those limits, and the likelihood that these organizations can often be at least partially successful at doing that. This argument will surely need refinement and elaboration as new evidence and theoretical thinking are brought to bear. Our hope is that it will help to encourage just that kind of research—and that, in the years ahead, this work will add significantly to Schattschneider's already considerable contribution to political science.

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Table 1: Party control of state government at the time of collective bargaining adoption

	<i>Teachers</i>	<i>Police</i>	<i>Firefighters</i>	<i>Other Local Employees</i>	<i>State Employees</i>
Republican unified government	DE, IA, IN, NH, SD, VT	IA, NH, PA, SD	IA, ID, NH, PA, SD	IA, NH, SD	IA, NH, SD, VT
Divided government	AK, CT, ID, IL, KS, ME, MI, MN, MT, ND, NJ, NV, NY, OR, PA, RI, WA, WI	AK, CA, CT, IL, MA, ME, MI, MN, NJ, NV, NY, OR, RI, VT, WA, WI	AK, CA, CT, IL, ME, MI, MN, NJ, NV, NY, OR, VT, WA, WI, WY	AK, CA, CT, IL, IN, ME, MI, MN, NJ, NV, NY, OR, PA, RI, VT, WA, WI	AK, IL, IN, ME, MN, NJ, NY, OR, PA, RI, WA, WI
Democratic unified government	CA, FL, HI, MA, MD, NM, OH, OK, TN	DE, FL, HI, KY, MD, MT, NM, OH, OK, TX	DE, FL, GA, HI, KY, MA, MD, MT, NM, OH, OK, RI, TX	DE, FL, HI, MA, MD, MT, NM, OH, OK	CA, CT, DE, FL, HI, MA, MD, MT, NM, OH

Table 2: Party support for collective bargaining laws, by state and year

State	Year	% Democrats voting "yes"	Number of Democrats	% Republicans voting "yes"	Number of Republicans
WI	1959	97%	64	47%	59
DE	1965	92%	37	100%	7
MI	1965	100%	91	25%	44
WY	1965	100%	42	65%	40
NY	1967	32%	102	100%	98
WA	1967	100%	40	76%	50
CA	1968	100%	47	98%	41
NJ	1968	100%	31	100%	82
PA	1968	100%	108	94%	120
DE	1969	35%	17	90%	30
MD	1969	100%	139	100%	33
ME	1969	89%	47	74%	69
ND	1969	100%	14	95%	103
NV	1969	96%	28	100%	29
AK	1970	100%	29	81%	26
ID	1970	98%	42	79%	47
KS	1970	93%	45	77%	96
PA	1970	100%	121	60%	115
SD	1970	100%	21	100%	79
GA	1971	100%	121	100%	14
ID	1971	98%	41	84%	57
MN	1971	94%	95	74%	97
MT	1971	44%	79	78%	79
WI	1971	86%	77	34%	47
AK	1972	95%	38	53%	19
KY	1972	91%	179	83%	53
IN	1973	86%	44	87%	95
MT	1973	97%	72	63%	63
OR	1973	84%	49	26%	35
TX	1973	68%	28	0%	3
FL	1974	100%	101	74%	57
IA	1974	86%	65	36%	84
CA	1975	94%	69	54%	39
CT	1975	99%	139	23%	39
IN	1975	95%	76	46%	68
NH	1975	92%	142	34%	212
CA	1977	96%	71	79%	33
TN	1978	78%	82	30%	40
IL	1983	98%	192	19%	144
OH	1983	97%	78	0%	51
IL	1985	95%	95	43%	75

Table 3: Logit model of state legislators' collective bargaining votes

	(1)	(2)	(3)	(4)	(5)	(6)
Republican	-4.996 (1.550)***	-4.177 (1.143)***	-6.655 (0.796)***	-5.461 (1.292)***	-3.677 (1.459)**	-1.2 (1.475)
Democratic presidential vote	-3.941 (3.038)	-2.777 (2.512)	-3.528 (1.885)*	-3.178 (2.670)	-3.97 (2.724)	-3.092 (2.577)
Republican * Dem. presidential vote	8.265 (3.055)***	5.762 (2.353)**	7.371 (1.833)***	7.957 (2.723)***	9.403 (2.944)***	8.004 (2.610)***
Agency fees banned	-2.859 (0.340)***	-2.905 (0.227)***		-2.896 (0.286)***	-2.793 (0.575)***	-2.824 (0.452)***
Republican * Agency fees banned	3.751 (0.508)***	4.229 (0.357)***		3.501 (0.322)***	2.87 (0.781)***	2.184 (0.630)***
Agency fees allowed	0.639 (0.551)	0.482 (0.449)		0.405 (0.739)	0.735 (0.897)	0.636 (0.755)
Republican * Agency fees allowed	-2.562 (0.633)***	-2.25 (0.595)***		-1.918 (0.360)***	-2.998 (0.994)***	-2.429 (0.217)***
Strikes banned	0.195 (0.664)	0.671 (0.514)		0.175 (0.720)	0.197 (0.695)	0.701 (0.529)
Republican * Strikes banned	-0.206 (0.803)	-0.741 (0.735)		-0.111 (0.615)	-0.204 (0.835)	-1.109 (0.408)***
Strikes allowed	1.687 (0.843)**	1.778 (0.705)**		2.03 (1.031)**	1.929 (1.111)*	1.96 (0.988)**
Republican * Strikes allowed	-2.279 (0.907)**	-2.149 (0.854)**		-2.865 (0.857)***	-2.476 (1.342)*	-2.799 (1.108)**
Vulnerable		-0.552 (0.280)**	-0.993 (0.277)***			-0.613 (0.270)**
Republican * Vulnerable		0.786 (0.320)**	1.323 (0.363)***			0.819 (0.253)***
National strikes				-0.004 (0.007)		
Republican * National strikes				0.017 (0.006)***		
National strikes squared				0.00001 (0.00001)		
Republican * National strikes squared				-0.00004 (0.00001)***		
Post-bargaining strikes					0.001 (0.006)	0.001 (0.006)
Republican * Post-bargaining strikes					-0.014 (0.008)*	-0.024 (0.006)***
Constant	4.089 (1.558)***	3.474 (1.201)***	5.754 (0.787)***	3.691 (1.267)***	3.938 (1.173)***	3.503 (1.650)**
Observations	5,569	4,166	3,893	4,934	4,934	3,540
Pseudo R-squared	0.198	0.2251	0.2504	0.1905	0.1712	0.2004
Democratic presidential vote + (Republican * Dem. presidential vote)	4.325 (1.298)***	2.985 (1.724)*	3.843 (1.483)***	4.779 (1.165)***	5.433 (1.685)***	4.911 (1.743)***
Vulnerable + (Republican * Vulnerable)		0.234 (0.126)*	0.331 (0.143)**			0.207 (0.088)**
Post-bargaining strikes (Republican * Post-bargaining strikes)					-0.013 (0.004)***	-0.023 (0.004)***

Table 4: Predicted probabilities

			Conservative Republican	Moderate Republican
Model 1	(1)	Strikes banned, no agency fee provisions	0.634	0.813
	(2)	Allows strikes (no agency fee provisions)	0.491	0.707
	(3)	Allows agency fees (strikes banned)	0.204	0.391
Model 2	(4)	Vulnerable	0.617	0.751
	(5)	Not vulnerable	0.561	0.705
Model 3	(6)	Vulnerable	0.619	0.786
	(7)	Not vulnerable	0.541	0.727
Model 4	(8)	Level of strikes in 1963 (29)	0.571	0.783
	(9)	Level of strikes in 1968 (253)	0.825	0.928
	(10)	Level of strikes in 1973 (389)	0.729	0.880
	(11)	Level of strikes in 1978 (525)	0.360	0.606
Model 5	(12)	No post-bargaining strikes	0.890	0.962
	(13)	Maximum post-bargaining strikes	0.378	0.657
Model 6	(14)	Vulnerable, No strikes	0.977	0.992
	(15)	Not vulnerable, No strikes	0.972	0.990
	(16)	Vulnerable, Maximum strikes	0.282	0.526
	(17)	Not vulnerable, Maximum strikes	0.242	0.474

Figure 1: Strikes by state and local government employees

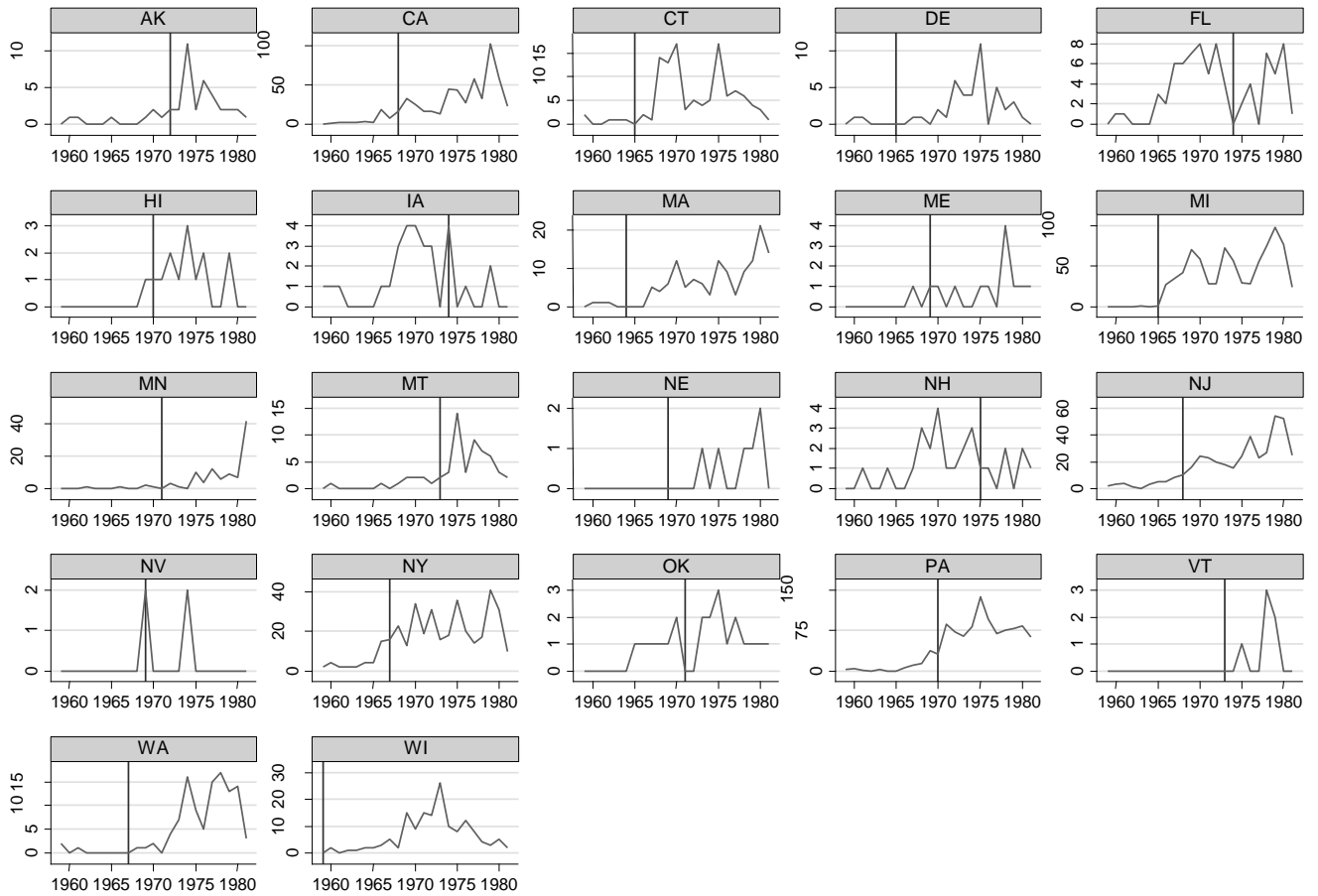


Figure 2: Effect of an increase in strikes on Republicans' votes

