The Fragmented State and Due Process Protections in Organizations: The Case of Comparable Worth

Rikki Abzug; Stephen J. Mezias


Stable URL: http://links.jstor.org/sici?sici=1047-7039%28199308%294%3A3%3C433%3ATFSADP%3E2.0.CO%3B2-C

*Organization Science* is currently published by INFORMS.

Your use of the JSTOR archive indicates your acceptance of JSTOR’s Terms and Conditions of Use, available at http://www.jstor.org/about/terms.html. JSTOR’s Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at http://www.jstor.org/journals/informs.html.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

JSTOR is an independent not-for-profit organization dedicated to creating and preserving a digital archive of scholarly journals. For more information regarding JSTOR, please contact support@jstor.org.
THE FRAGMENTED STATE AND DUE PROCESS PROTECTIONS IN ORGANIZATIONS: THE CASE OF COMPARABLE WORTH*

RIKKI ABZUG AND STEPHEN J. MEZIAS

Program on Non-Profit Organizations, Yale University,
New Haven, CT 06520
Stern School, New York University, Department of Management and
Organizational Behavior, 44 West 4th St., Room 7-55,
New York, New York 10012

This analysis starts with models of the diffusion of due process protections in organizations that emphasize the role of the state, especially those from the institutional perspective. The case of equal pay for work of comparable value is used to develop propositions concerning important additions to current models of the expansion of due process protections in the workplace. First, we suggest that models of the nation-state should include an explicit recognition that the progressiveness of public policy varies over time. Second, we suggest that models of the nation-state should include explicit recognition of the fact that state authority is fragmented by the separation of powers and the partition of federal and local authority. Implications for future theory and empirical study that follow from these additions to current models are discussed.

(DUE PROCESS PROTECTIONS; WORKPLACE RIGHTS; INSTITUTIONAL THEORY)

1. Introduction

This study investigates institutional explanations for the expansion of legalistic procedures in organizations. As an example of the expansion of legalistic procedures in organizations, we study the diffusion of due process protections in organizations (Dobbin, Edelman, Meyer, Scott and Swidler 1988, Edelman 1990). Our focus is on the case of attempts to provide a legal guarantee of a particular due process protection, equal pay for work of comparable value. Analysis of this case underlines the conclusions of several theorists who have studied the origins of contemporary employment systems and pointed to the importance of institutional sources of bureaucratic employment practices. These theorists have argued that understanding the expansion of due process protections for workers requires investigation at two levels of analysis: the organizational and the environmental (Baron, Dobbin and Jennings 1986; Dobbin et al. 1988; Baron and Newman 1990; Edelman 1990). At the environmental level of analysis, these theorists have argued that the state is a significant arbiter of the expansion of due process protections at the level of individual organizations. Thus, the institutional perspective has viewed the nation-state as a central actor in explaining observed features of organizations (Meyer and Rowan 1977, DiMaggio and Powell 1983, Meyer and Scott 1983, Baron et al. 1986, Edelman 1990, Mezias 1990). Without reducing analytic emphasis on the state, our interpretation of the case of comparable worth suggests that current portrayals of the state in institutional models of the expansion of due process protections in the workplace may be incomplete.

Previous analyses have emphasized the role of state interventionism and scrutiny in expanding due process protections in the workplace. For example, Baron et al. (1986,

*Accepted by Robert Bies and Sim Sitkin; received August 1989. This paper has been with the authors for two revisions.
p. 379) closed their paper with the following observation: “By sanctioning modern employment practices and by encouraging the diffusion of those practices throughout the economy, the state has played a major role in the spread of bureaucratic control and internal labor markets.” While we do not question the role of the government as arbiter of the expansion of legalistic procedures in organizations, we believe there are important limits to state interventionism. We trace this limited intervention to two characteristics of the American polity. First, there are longitudinal cycles of progressiveness in public policy (Dobbin et al. 1988, March and Olsen 1989, Edelman 1990). The expansion of legal guarantees for due process protections in the workplace is more likely during periods of progressive public policy. Second, the nation-state in the American context is not a unified actor. Governmental authority is fragmented at the national center by the doctrine of the separation of powers that divides the federal government into the legislative, executive, and judicial branches. In addition, the doctrine of federalism fragments state authority further by dispersing responsibility to federal and local authorities (Blumstein 1981). Comparable worth reform has received different levels of support from distinct fragments of the American state over the last forty-five years. For this reason, we believe that the diffusion of comparable worth protections is understood best by placing it in the context of a fragmented state. We use the illustrative case of comparable worth to develop some propositions about the ways that fragments of the nation-state intervene, limit their own intervention, and have spillover to other fragments in the diffusion of due process protections in organizations. Our propositions can be summarized in terms of a central theme: Understanding the expansion of due process protections in the workplace requires attention to the actions and interactions of various fragments of state authority in a context of cyclic change.

2. The State and Bureaucratization

That government is a significant arbiter of changes to formal bureaucratic structures and practices in organizations is a central and empirically documented tenet of institutional theory (Meyer and Rowan 1977, DiMaggio and Powell 1983, Meyer and Scott 1983, Baron et al. 1986, Dobbin et al. 1988, Edelman 1990, Mezias 1990). To date, however, much of the institutional literature has modeled the state and its laws as the monolithic progenitor of mandates and interventions that directly and indirectly impinge upon the discretion of organizational actors. In these models, the effects of the state on organizations have been modeled as consistent in the direction of reducing organizational discretion by sponsoring expanded definitions of legal requirements. It is our intention to modify the existing institutional conceptualization of government and law as a unified environmental actor by proposing a model of fragmented government authority. Specifically, we will use the case of comparable worth to suggest the existence of interacting fragments of the nation-state that differ in longitudinal cycles of support for the diffusion of due process protections in organizations.

The institutional approach to the study of organizations has introduced the notion of the institutional environment as a source of formal organizational structures and processes (Meyer and Rowan 1977; DiMaggio and Powell 1983, 1991; Meyer and Scott 1983; Zucker 1983, 1987, 1988; DiMaggio 1988). For example, in contrasting technical and institutional sources of the structure of educational organizations, Meyer, Scott and Deal (1983, p. 45–48) argued that the organizational structures of schools reflected environmentally created frameworks that were distinct from those forms of organization that might facilitate technical efficiency in the delivery of educational services. Recent empirical work has pointed to the institutional environ-
ment as a source of the bureaucratization of due process protections and other employment reforms (Edelman 1990, Dobbin et al. 1988, Baron et al. 1986). Importantly, institutional theorists have always been concerned with the role of the state as a central actor in the institutional environment; at the same time, the implicit model of the state has been that of a unitary actor. Meyer and Rowan (1977, p. 342) argued that the “...formation of centralized states and the penetration of societies by political centers...contribute to the rise and spread of formal organization...” and that “...the stronger the rational-legal order, the greater the extent to which rationalized rules and procedures become institutional requirements.” DiMaggio and Powell (1983), in their description of the institutional environment as an iron cage, further delineated the role of the state. In their model of institutional isomorphism, the state, in the unitary form of ‘government mandate,’ was posited to be a prime engine of rationalization and bureaucratization.

Baron et al. (1986) studied the evolution and diffusion of technical and bureaucratic controls in American organizations between the Depression and the end of World War II. In arguing for an institutional interpretation of their findings, these authors cited unions, personnel professionals, and the state as the three key constituents driving a massive diffusion of bureaucratic systems. According to their analysis, the state, in the form of greater federal government intervention, acted as a unitary, almost monolithic purveyor of bureaucratic employment systems. Dobbin et al. (1988) focus specifically on the organizational adoption of due process protections for employees. They argued that the state operated at the environmental level of analysis but did not theorize explicitly about state actions. Rather, in keeping with the view of the state as a monolithic entity that acts consistently to expand due process protections in organizations, they posited only one effect at the environmental level: proximity to the public sphere would increase the propensity of an organization to adopt due process protections. Edelman (1990, p. 1406) elaborated the institutional conception of the state in developing the concept of the legal environment. She argues that legal environments encompass more than just changes to law: “When a new law provides the public with new expectations or new bases for criticizing organizations, or when the law enjoys considerable societal support, noncompliance is likely to engender loss of public approval. Thus, independently of formal legal sanctions, a new law can exert strong pressure on organizations to adopt structures or practices that demonstrate attention to normative expectations.” In her view, state actions create new normative expectations and legitimacy pressures as well as producing pressures related directly to compliance with legal requirements. Thus, state action will have both direct and indirect effects; the state can act directly to affect the protected rules of contract that govern exchanges between organizations and their employees. Actions of the state also have an indirect effect in being a primary force behind the evolution of a normative environment that defines appropriate and legitimate arrangements for workplace governance.

To date, the institutional literature has characterized the nation-state as unitary actor encouraging greater rationalization of organizational structure. With particular respect to due process protections in the workplace, the institutional literature has modelled the state as monolithic in its support for the expansion of bureaucratic employment practices and due process protections in organizations. We attribute this unitary model of the state to the institutional school’s focus on successes in the expansion of bureaucratic formalization. By focussing only on success stories such as the ‘bureaucratic controls’ studied by Baron et al. (1986) and the grievance procedures studied by Dobbin et al. (1988) and Edelman (1990), previous analyses may have overlooked some aspects of the nation-state in the American context that are antecedent and integral to the legal imposition of due process protections. For
example, in this study we will discuss how the political maneuvering of advocacy groups and the reactions of different levels of state authority affected the diffusion of due process protections to guarantee pay equity.

Further, we believe that existing evidence suggests that a characterization of the state as originator of legal mandates to expand due process protections in the workplace and consequent inattention to the structure of the state may not always be appropriate. Specifically, Dobbin et al. (1988) report a downturn in governmental support for due process protection in the workplace in the recent past, a phenomenon also reported by Edelman (1990). This downturn in state support for due process protections is problematic for a conception of the state as monolithic purveyor of due process protections in the workplace. It is our contention that a more detailed modeling of the state, based on the case of a due process protection that did not diffuse successfully, might help in formulating a more variable role for the state in the expansion of due process protections. The case of comparable worth reform was chosen because it has received different levels of support from various fragments of the American nation-state. The uneven acceptance and rejection of comparable worth by different pieces of the American state highlights the utility of using a model of the state as a fragmented rather than a unitary actor. We believe that this model offers a more complete explanation of the role of state in encouraging the formalization and rationalization of organizations. This is perhaps best illustrated by adding effects of the fragmented state to previous models of the expansion of due process protections (Dobbin et al. 1988, Edelman 1990); the underlying model, which is adapted from Dobbin et al. (1988), is depicted in Figure 1. Pressures for the diffusion of due process protections come from two levels, the organizational and environmental.

2.1. Organizational Determinants

At the organizational level, four variables influence the adoption of due process protections.

1) Growth in organizational size increases the adoption of due process protections as increasing size stimulates structural complexity through the increased need for coordination (Dobbin et al. 1988, Edelman 1990).

2) The degree and type of unionization mediate the diffusion of due process protections. Dobbin et al. (1988) and Edelman (1990) found support for the hypothesis that the level of unionization in an organization has a positive association with the adoption of due process protections because unionized workers have more legitimate leverage to request and receive employment protections. Baron and Newman (1990) found support for the effect of unionization by determining whether workers were represented by a union that was activist with respect to the protections they studied. These results suggest that the characteristics of unionization in a company may be important in the diffusion of due process protections (Dobbin et al. 1988, Edelman 1990).

3) The characteristics of jobs are considered part of the model due to the work of Baron and Newman (1990). They found that the age and idiosyncracy of jobs had significant relationships with pay equity, such that older and more idiosyncratic jobs were characterized by greater devaluation of work done by women and nonwhites. Their interpretation of this result suggests that the characteristics of jobs may be important in the diffusion of due process protections.

4) Finally, formalization of the personnel function is suggested as an important variable in past research. We posit that this is an organization level effect, eliminating
the third level of analysis of Dobbin et al., the level of structures internal to organizations. We offer two justifications for this change: First, given the focus of this study on the organizational level of analysis, the question of whether personnel offices deserve a separate level of analysis is not central (Dobbin et al. 1988). Thus, we followed the precedent of Edelman (1990) and treated personnel offices as an organization level characteristic. Second, despite pronouncements of an important influence of personnel professionals on the diffusion of due process protections, the mechanisms remain unclear. Therefore, we believe that further careful study of the role that formalization of the personnel function plays in the diffusion of due process protections in organizations is necessary. We return to this in our discussion of implications of our study for future research.

2.2. Environmental Level of Analysis

At the environmental level of analysis, we discuss two factors that will affect the expansion of due process protections in organizations:

(1) The publicness of sectors is important because organizations in public sectors are more visible and responsive to governmental pressure; thus they will be more likely to respond to changes in prevailing definitions of appropriate due process protections in the workplace (Edelman 1990). Given the support for the effect of publicness found by both Dobbin et al. (1988) and Edelman (1990), we include it in the model.

(2) Following Edelman (1990), we conceptualize the environmental level more broadly than Dobbin et al. (1988) by including the normative legal environment. We

---

1 Baron et al. (1986) cited the personnel profession as a key actor in the diffusion of bureaucratic personnel practices. Using similar reasoning, Dobbin et al. (1988) hypothesized that the number of departments with personnel functions, which they called personnel formalization, would increase the adoption of due process protections. Similarly, Edelman (1990) posited that structural differentiation of the personnel function would increase the adoption of non union grievance procedures. However, the findings of these studies do not support such a clear cut interpretation for the role of formalization of the personnel function.
expand upon her notion of legal environment with the major question of our analysis: How do the activities of the fragments of the state affect the diffusion of due process protections in organizations? We have indicated this in Figure 1 with a question mark.

2.3. The Diffusion of Comparable Worth Protections

As we illustrate below, the history of comparable worth reforms suggests their utility for studying the effects of state fragmentation on the expansion of due process protections in the workplace. First, cycles of progressive reform are central to understanding the history of attempts to enact comparable worth protections. As we explain below, allegations that employers paid women less than men for work of comparable value was a driving impetus behind Congressional consideration of equal pay legislation every year between 1945 and 1962; thus, the right to equal pay for work of comparable value had a strong historical link with civil rights legislation. Nonetheless, when a wave of progressive reform began in 1962, comparable worth considerations were pushed aside in favor of a compromise that guaranteed equal pay for identical work, i.e., for workers holding exactly the same job. By the time proponents of pay equity realized that this legislation would not help the vast majority of underpaid workers in job categories dominated by women or nonwhites, the progressive era was coming to a close. The subsequent failure to enact federal protections is best interpreted in light of this knowledge of the rise and fall of the progressive agenda of the 1960s. Second, the fate of comparable worth reform also illustrates the importance of the fragmentation of state authority. Fragmentation of the central state by the separation of powers is illustrated by the fact that comparable worth reform received attention from various branches of the federal government at different times. In particular, when it became clear that the executive and legislative branches would not offer protections against the wage discrimination alleged by proponents of the reform, the filing of litigation in the judicial branch increased. Also, the federalist fragmentation of authority into national and local levels of government is important to understanding the diffusion of comparable worth reform. Despite the fact that the judicial branch eventually joined with the other branches of the federal government in rejecting comparable worth, proponents of the reform did achieve some success at the level of state and local governments. Thus, we believe that a closer analysis of the case of comparable worth might help to improve our understanding of the role of fragmented state authorities in the diffusion of workplace rights. In the next section, we use the case of comparable worth reform to develop some propositions about cycles of progressive reform and actions by different fragments of state authority.

3. The Case of Comparable Worth

3.1. Historical Background

The historical background and institutional context of the struggle to obtain equal pay for work of comparable value are explored with emphasis on two categories of events. First, large scale changes in the demography and economic structure are discussed as a possible source of what Edelman (1990, p. 1406) described as a "...social movement that...recognized new membership-based rights to fair treatment, thus providing a basis for criticism of organizational governance by employees and the general public as well as by legal actors." She argued that this social movement, in conjunction with the legal mandates it spawned, gave rise to massive
changes in prevailing definitions of protected rules of contract in the relationship between employees and employing organizations. Second, the actions of the legislative, executive, and judicial branches of the national government are discussed as a source of attention to civil rights, including guarantees for due process protections in the workplace. Of particular importance are those initiatives governing exchanges between organizations and certain constituencies, particularly groups of workers defined by race and gender. The discussion is organized chronologically.

3.1.1. Civil Rights in the 1940s and 1950s. During the 1940s and 1950s, there were shifts in the demography and geography of the work force. First, agricultural workers from the South migrated to Northern industrial jobs in great numbers. With the movement of more people of color into concentrated city areas, important new voting blocs were formed. Second, the war and its aftermath saw the beginning of a massive migration of women into the labor force. In this period, the labor force participation of both women and nonwhites increased substantially. Yet, their share of the rewards offered in the workplace (hierarchical authority, wages and salaries, and benefits) did not grow commensurately (Kanter 1977). Two separate but related phenomena pointed toward continuing employment and wage discrimination by gender and race. First, within the same occupation, white men earn more money than women and nonwhites (Pezzullo and Brittingham 1979, Tuchman 1979, Bergmann 1980, Tolbert 1986, Pfeffer and Davis-Blake 1987). Second, women and nonwhites are distributed among occupations differently from white men, with white men's occupations paying better on average (Bergmann 1980, Treiman and Hartmann 1981, Remick 1984, Steinberg 1984, Evans and Nelson 1989).

These shifts in the geographical location of nonwhites and in the demography of the workforce together with continuing discrimination in the workplace resulted in social pressures for action. Calls for action began as early as 1940. In that year, women working for substandard wages at Westinghouse first asked United Electrical Workers representatives to petition the National War Labor Board for equal pay for work of comparable value (Milkm man 1983). Although the Board eventually decided for the union, this was not until November 1945 when the war was over and its power had been stripped.

The first branch of government to take an effective proactive stance against employment and wage discrimination was the executive branch of the federal government. A 1940 executive order banned discrimination in federal government employment; a 1951 executive order banned discrimination in employment by government contractors (Edelman 1990, p. 1407). In the legislative branch, Wesman (1988, p. 14) suggests that experience with the National War Labor Board ‘‘…provided the impetus for introduction of a comparable worth bill in 1945.’’ Proponents of devalued women workers, empowered by the belated decision in the Westinghouse case, attempted to further their cause at the national level by introducing the first equity wage bill in Congress. It was defeated, as were similar bills introduced yearly until 1962. In the courts, the 1954 Brown v. Board of Education anti segregation decision galvanized a civil rights movement based on the optimism of peaceful reform, legal and otherwise (Gordon 1983).

3.1.2. The Progressive Agenda of the 1960s. In the context of the socially turbulent 1960s, more comprehensive government intervention to guarantee due process protections in the workplace was demanded (Edelman 1990). In a very close 1960 election, the votes of women and nonwhites helped put the Democratic administration of John Kennedy in office. In his first year in office, Kennedy issued Executive Order 10925, the first to use the term ‘‘affirmative action’’ in delineating employer
responsibility for ending discrimination. At the same time, the administration proceeded to sponsor bills designed to redress well-publicized racial bias. The first legislative success on a large Civil Rights agenda came with the Equal Pay Act of 1963. Although the bill had been introduced as yet another in a long series of bills designed to guarantee equal pay for work of comparable value, it did not share the same fate as previous bills. Instead, with its provisions watered down to offer protection only against unequal pay for equal work, i.e., identical work, the bill was passed (Wesman 1988). In 1964, in the wake of Kennedy's assassination and a wave of sympathy for the plight of nonwhite Americans, the Civil Rights Act was proposed. For the first time since the inception of an organized movement by people of color, a large contingent in Congress was willing to concur, but there was still substantial opposition.

During the House floor debate on the Civil Rights Act of 1964, Representative Smith of Virginia and compatriots opposed to progressive legislation devised a novel way to tie up the Civil Rights bill. Mr. Smith offered the amendment of appending the word “sex” to the list of specifically enumerated discrimination classifications of race, color, religion, and national origin. Although the introduction of gender was a move to scuttle the bill (Williams and Bagby 1984, p. 222), there was a turn of events quite consonant with a garbage can model of choice (Cohen, March and Olsen 1972). Those who had introduced gender as a derailment tactic were confounded by its passage. In the relatively progressive Congress, the rights of white women (for “colored” women were supposedly already covered under the ‘Race’ portion of the Act) carried the day. The 1963 and 1964 legislative initiatives represented significant alterations of the protected rules of contract in exchanges between organizations and workers. The passage of the Equal Pay Act of 1963, offered effective redress of gender-based wage discrimination for persons performing the same work. Title VII of the Civil Rights Act of 1964 went further, prohibiting all forms of employment discrimination based on race, color, religion, national origin and gender. Conservatives worried that this bill would broaden the protections provided in the Equal Pay Act of 1963. To avoid this possibility, the Bennett Amendment (after the Senator who proposed it), which suggested that Title VII did not broaden protections against wage discrimination beyond those provided by the Equal Pay Act, was added to the bill.

Federal support for due process protections in the workplace progressed further when President Johnson issued Executive Order 11246 in 1965; this order, which Edelman (1990, p. 1407) cites among the most important civil rights mandates of the era, broadened the basis of federal government action to end employment discrimination by “…empowering the secretary of labor to issue regulations implementing the order, investigate complaints, conduct compliance reviews, and impose sanctions.” The progressive agenda of the 1960s did not end with the beginning of a new decade in 1970. Steinberg (1984, p. 16) described the continuing progressive momentum: “In the late 1960s and early 1970s, more and more people came to understand that discrimination is not merely intentional but systemic . . . . This critical support created an environment conducive to the broadening of the definition of discrimination through court decision, strong and detailed administrative guidelines, and, finally an amended Title VII.” This amendment of Title VII came with the passage of the Equal Opportunity Act of 1972; not only did this act extend Title VII to cover public sector employees, it also gave the Equal Employment Opportunity Commission the

---

2Thus, protection of the right to equal pay for work of comparable value was pushed aside in the pursuit of legal protection of the right to equal pay for identical work. As illustrated again in 1964 with the Bennett Amendment to the Civil Rights Act, the push for comparable worth reform was temporarily stifled in pursuit of this compromise; it did not become prominent again for over a decade.
authority to file suits in federal district courts. Prior to this, the commission had been limited to negotiating with the discriminating employer using the tools of conference, conciliation, and persuasion. Thus, the law extended the coverage of Title VII while granting significantly expanded powers to enforce its antidiscrimination provisions (Edelman 1990). This was one of the last activities by the legislative and executive branches of the federal government to support the expansion of due process protections in the workplace. As we detail in the next section, it also led to a rise in litigation and a movement of pressures in support of comparable worth reform to the federal judiciary.

We interpret our review of the historical background and institutional context of comparable worth reform as suggesting the following discussion and propositions regarding the expansion of due process protections in the workplace. Long term demographic shifts accompanied by structural shifts in economies shape the context in which political, social, and economic activity is performed (Tilly and Scott 1978). The postwar period in the United States represents a period of both demographic shift, with nonwhites migrating to Northern industrial cities and more women moving into the labor force, and economic structural shifts, with the growth of a service and information sector of the economy. These structural changes accounted for the growth of a previously nonindustrialized population of laborers whose past history in the labor force was protected, circumscribed, and fraught with obstacles. Yet, congregated in areas of business concentration, able to form new voting blocs, and slowly organizing, these newly industrialized workers were able to put pressure on the government for attention to due process protections in the workplace.

**Proposition 1A.** Demographic and economic change among constituencies will lead to longitudinal cycles in federal support for due process protections in the workplace.

By virtue of the power of the vote that these laboring constituencies could tap, the branches of government most responsive to the exigencies of a changing electorate would be the first to act (Abraham 1969). Historically, disenfranchised constituencies have gone to the legislative branch for redress of their grievances, and the idea of seeking redress through the courts is a relatively recent development (Shapiro 1969). Expectations of the greater responsiveness of elected officials combined with the American public's resistance to accept the courts as political institutions (Dahl 1969) concentrated the first advocacy activity at the legislative and executive branches. Charged with different public functions, answering to different constituencies, and deriving power from different political cross sections, the three branches of federal government reacted to the new political environment in different ways at different times. Thus, we suggest the following:

**Proposition 1B.** Longitudinal cycles of support for due process protections in the workplace will vary across different branches of the federal government.

### 3.2. Comparable Worth in the Federal Judiciary

With respect to political change, the usual characterization of the judiciary is as the branch of last resort (Abraham 1969). However, the resurgence of the comparable worth movement in the early 1970s occurred primarily in the judiciary. This can be explained as the result of several factors. First, resurgence of the comparable worth movement coincided with a decline in support for the expansion of due process protections in the workplace in the legislative and executive branches of the federal government. Second, the last major piece of legislation in the reform agenda of the 1960s, the Civil Rights Act of 1972, had expanded the tool kit of government
intervention to include litigation as well as conference, conciliation, and persuasion. This had the effect of making litigation more salient as a means of expanding due process protections in the workplace even as the likelihood of further legislation or executive orders decreased. Saks and Baron (1980, p. 1) describe the general trend at the beginning of the 1970s: "...the courts [were] shaping, controlling, or attempting to control the behaviors of many social groups, including some not often brought before the courts, such as program administrators and employers." Third, proponents of expanded due process protections in the workplace began to realize the limitations of protections guaranteeing equal pay for equal work; they would have no effect on the wages of workers in jobs dominated by women or nonwhites. This realization took place in a legal environment where judicial intervention in social policy was becoming increasingly likely and acceptable even as further legislative or executive action was becoming less likely. As a result, proponents of comparable worth reform looked to the courts to flesh out the limits of legislation regarding comparable worth theory (Heen 1984). Correspondingly, in the late 1970s, litigation to pursue comparable worth reform based on Title VII of the Civil Rights Act began to increase. The ambiguous language of the Bennett Amendment and the expansive language of the original act were additional spurs to such litigation. This was especially true in the definition of classes and employment or wage violations that were protected under the Civil Rights Act.

Court decisions rendered in the late 1970s and early 1980s form the beginning of attempts to use the judicial system to translate comparable worth from a progressive theory to an operational reform. This filing of litigation in the federal courts represented a struggle between an entrenched market defense and a sustained comparable worth challenge. Through decisions rendered in a series of cases beginning in 1977, the federal judiciary mediated these competing theories of illegal discrimination. Two of the first important federal cases were Christensen v. The State of Iowa, 563 F.2d 353 (8th Cir. 1977), and Mary Lemons et al. v. City and County of Denver et al., 620 F.2d 228 (10th Cir. 1978); both were cases involving a class of women employees alleging illegal gender discrimination. As proof of this discrimination, the plaintiffs offered evidence that wages in female-dominated occupations were lower than wages in different, but allegedly comparable male-dominated occupations. In Christensen v. State of Iowa, female clerical employees at the University of Iowa commenced action pursuant to the Civil Rights Act of 1964 alleging illegal gender discrimination in compensation. As evidence for their claim, they documented the university's practice of paying female-dominated clerical positions less than the amount it paid male-domoniated physical plant workers. They claimed that this was illegal discrimination because the university had classified the clerical and physical plant jobs as similar based on an objective evaluation of relative worth in terms of thirty-eight factors. Framers of comparable worth doctrine and the clerical workers of the university were both losers as the Eighth Circuit court found for the defendant university.

The Lemons v. City and County of Denver case provided another early test of whether comparable worth theory was included in the possible breadth of legal challenges under Title VII of the Civil Rights Act. In ruling against the plaintiffs, Chief Judge Winner justified his decision with the claim that a victory for the nurses was "...pregnant with the possibility of disrupting the entire economy of the United States of America." Christensen and Lemons were interpreted as defeats for comparable worth doctrine and provided lessons to organizations in how to fend off comparable worth legal victories.

Despite the seriousness of these setbacks for hopes of using the courts to pursue pay equity, they did not dishearten advocates of comparable worth reform entirely.
This was because these defeats coincided with the rise of a national movement in support of comparable worth reform that included significant union involvement.\footnote{Two key events signalling this rise occurred in 1979. First, the National Committee on Pay Equity was founded (Steinberg 1984). The Committee became instrumental in coordinating the efforts of proponents of pay equity, including women’s rights and other civil rights organizations, state commissions on the status of women and nonwhites, and those unions most active with respect to the rights of women and nonwhites in the workplace. Second, the AFL-CIO urged its affiliates to adopt the concept of equal pay for work of comparable value in organizing and in negotiation of collective bargaining agreements.} At least one consequence of the increased involvement of unions in the issue was that they became important sponsors of litigation. In the context of this growing national involvement by trade unions, rather than completely unnerving comparable worth proponents, these early defeats led to a rethinking of how to use the courtroom to achieve pay equity. Proponents of comparable worth reform still hoped to pose legal challenges in such a way that they might achieve victories in courts, and litigation based on comparable worth theory continued.

In 1981 litigation of comparable worth cases received a huge boost from a landmark Supreme Court ruling, County of Washington v. Gunther, 101 S.Ct. 2242 (1981), which directly addressed the question of the applicability of Title VII to jobs that were not identical. Women who were employed as guards in the female section of the county of Washington’s jails, alleging that they were paid lower wages than male guards in the jail’s male section, filed suit under Title VII of the Civil Rights Act of 1964. The Supreme Court, in a decision by Justice Brennan (Justices Rehnquist, Burger, Stewart, and Powell, dissenting), held that Title VII’s prohibition of gender-based wage discrimination is not restricted to claims of equal pay for ‘equal work,’ rather, these claims can also be brought “…even though no member of the opposite sex holds an equal but higher paying job.” The opinion of the court included the disclaimer that “[w]e emphasize at the outset the narrowness of the question before us in this case. Respondent’s claim is not based on the controversial concept of ‘comparable worth’ under which plaintiffs might claim increased compensation on the basis of a comparison of the intrinsic worth or difficulty of their job with that of other jobs in the same organization or community.” Despite this explicit rejection of the doctrine of equal pay for work of comparable value, the case still left open the door to legal relief for pay inequities by gender. The Supreme Court was supportive of the view that claims of discrimination could be upheld even if members of opposite genders receiving substantially different wages did not hold exactly the same jobs.

The years immediately following seem, in retrospect, a high point for the support of the doctrine of comparable worth in the courts. Litigation alleging discrimination based on the doctrine of comparable worth mushroomed and in 1983, achieved its greatest victory. The American Federation of State, County, and Municipal Employees (AFSCME) et al. v. The State of Washington et al., 578 F.Supp. 846 (1983), decision was handed down by the United States District Court of Washington at Tacoma. The AFSCME case involved a class of state employees in job categories that were at least 70% female; the plaintiffs alleged that the lower wages paid to these categories amounted to illegal gender discrimination in compensation under Title VII. Proof of their claim revolved around the initiation and implementation of the results of a study by the state to identify lower paying female-dominated job classifications of comparable skill and responsibilities to male-dominated classifications assigned higher pay. The court noted that in 1978, 1980, and 1982, the legislature of the State of Washington had before it the comparable worth salary schedule, yet took no affirmative action to implement the comparable worth scheme until the filing of the lawsuit. Drawing analogies to and precedent from the Supreme Court decision in County of Washington v. Gunther case, the court reached the
following conclusion: "The State has, and is continuing to treat some employees less favorably than others because of their sex, and this treatment is intentional." In addition to the finding in favor of the plaintiffs, the court ordered that the plaintiffs were entitled to declaratory judgment, injunctive relief and back pay, estimated as high as one billion dollars.

In the following year, 1984, the courts were not as kind to proponents of comparable worth. The promise of comparable worth litigation was diminished in July of that year when the Ninth Circuit Court ruled in Spaulding v. University of Washington, 740 F.2d 686 (1984). The decision represented a complete dismissal of the notion that market wages could be discriminatory even if they resulted in unequal pay for comparable work. In rendering his decision, the judge offered the following reasoning: "Allowing plaintiffs to establish reliance on the market as a facially neutral policy for Title VII purposes would subject employers to liability for pay disparities with respect to which they have not, in any meaningful sense, made an independent business judgment."

1985 proved to be no kinder to advocates of comparable worth than 1984. Perhaps the most telling event was the overturning of the plaintiff's legal victory and court-ordered money award in the AFSCME case. In January of 1984, the State of Washington had appealed the AFSCME decision to the same Ninth Circuit Court that had ruled against the plaintiffs in the Spaulding case. In 1985, applying the same reasoning that had been articulated in the Spaulding case, the Ninth Circuit Court overturned the victory of AFSCME and the plaintiffs it represented. These decisions in the Ninth Circuit Court gave primacy to the market defense over comparable worth doctrine in a sobering portent of decisions to come (Williams and Bagby 1984, p. 234–236).

In 1986, the solidification of the position of courts with respect to comparable worth was furthered by the elevation of Rehnquist to the position of Chief Justice. In his dissenting position in the Gunther case, Rehnquist had made no secret of his hostility to the presumption that even a watered-down version of comparable worth should triumph over the market defense. In 1987, there was further solidification of the federal judiciary against the doctrine of comparable worth with the elevation of Ninth Circuit Judge Kennedy to the Supreme Court. The narrow margin of victory in the Gunther case was gone already; now one of the champions of the market defense in the face of the comparable worth challenge was elevated to the Court. Decisions in the federal district court cases of United Auto Workers v. Michigan, F.2d., No. 87-2228, (6th Cir 1989) and California State Employers Association v. California, F.Supp. 89 Daily Journal D.A.R. 12371 (ND Cal. 1989), are recent demonstrations of the futility of pressing for comparable worth definitions of illegal discrimination in the federal judiciary. Litigation based on the doctrine of comparable worth has virtually disappeared from the federal courts.

That comparable worth litigation began so slowly and tentatively in the federal courts may be attributable to a general American unwillingness to accept the policy-making capacity of the judiciary (Dahl 1969). Advocates of employment reform, buying into an established view of the courts as insulated from the vagaries of public opinion due to their espoused function of detached review (Fish 1989), initially may have been reluctant to pursue a progressive agenda in the judicial branch. We, therefore, interpret the history of comparable worth reform in the federal judiciary to suggest two propositions. First, we predict a relative insulation of the federal judiciary from the vagaries of public sentiment and attribute it to the fact that federal judges are appointed rather than elected. As a result, advocacy activity at the beginning of progressive periods will be focussed at the legislative and executive branches; activity in the judicial branch is not as likely to occur early in a progressive upswing. Thus, we
suggest the following proposition:

**Proposition 2A.** The federal judiciary will lag behind the legislative and executive branches of the federal government in temporal cycles of support for due process protections in the workplace.

Second, the specifics of the comparable worth case point to a possible corollary to the previous proposition concerning how the federal judiciary lags other branches of the federal government. The case of comparable worth reform suggests that as the progressive Civil Rights era waned, the support of the executive and legislative branches for due process protections in the workplace diminished first. This resulted in declining possibilities for the legislative expansion of federal protections. Observing this, advocates of comparable worth reform began filing litigation in the federal judiciary, the increase of which seems to have corresponded with executive and legislative inaction. This litigation attempted to use laws and legal initiatives instigated by more progressive Congresses and Administrations as the basis for further expansion of rights through court decisions. Thus, we suggest a corollary to the previous proposition:

**Proposition 2B.** As progressive eras wane, the federal judiciary will become the focus of efforts to expand federal guarantees for due process protections in the workplace.

3.3. **Comparable Worth and Local Government**

Forty-five years after the first comparable worth bill was introduced in Congress, supporters have failed to garner the support necessary to enact a federal protection of the right to equal pay for work of comparable value. Fifteen years after the first major cases in the effort to litigate comparable worth reforms in the federal judiciary, the verdict is similar. Proponents have few victories and a long string of defeats (West 1986). For the time being, it seems that the courts will offer no redress for claims of discrimination based on unequal pay for work of comparable value.

Comparable worth proponents have not allowed setbacks in the federal courts to stop change entirely. Increasingly, these blocks to reform at the federal level have pushed comparable worth advocates to develop strategies directed at the level of state and local governments and organizations themselves. The days of the successful activism at the level of local government are on the rise as proponents of comparable worth have moved the struggle for comparable worth to this level (Chi 1988), and comparable worth is being slowly, perhaps even methodically, implemented at the levels of state and local government (Cook 1984, 1985). This activity has resulted in a 1984 endorsement of the principle of pay equity by the National Governors’ Association, which urged states to consider implementing pay equity policies (Chi 1988). State employee unions such as AFSCME and Service Employees International Union have taken an active role in the process of diffusing reform at the state and local level (Chi 1988, Baron and Newman 1990).

State and local legislative activity for comparable worth recently has been centered on the passage of civil service laws guaranteeing pay equity for state employees. Minnesota’s enactment of ‘Wage Justice’ is one of the better known examples. Evans and Nelson (1989) reported that by August of 1987, 42 states had engaged in some form of activity regarding comparable worth reform; 36 states had appointed task forces or commissions, 28 had participated in job evaluation studies, and 20 had provided some sort of comparable worth payments to at least a portion of state workers. Blum (1987, p. 383) reported that all but four states had taken some action with respect to comparable worth issues.
To date, comparable worth policy debates have diffused across state and local government organizations more rapidly than at the federal level or in private, for-profit organizations. The reasons for this are numerous. First, unions have become increasingly active in organizing public employees and lobbying local governments to advance comparable worth reform; certain union locals and collective bargaining units have been extremely successful in effecting support for comparable worth in their regional environments. Unions have been particularly active when the membership of women and nonwhites is relatively high (Feldacker 1983, Baron and Newman 1990). Second, certain localities are well-known for being progressive, e.g., Minnesota, and have served as laboratories for continued progressive experiments even at a time of active hostility to the expansion of due process protections in the workplace at the level of the federal government. Third, while local government offers a less attractive arena in terms of scope of coverage, usually limited to the public sector, it still offers an opportunity for reform to continue after it has been blocked at the federal level. It also seems that activity at the local level, perhaps because the scope of coverage is limited, has not excited the level of opposition to comparable worth reform that activity at the federal level elicited. From these observations we derive the following conjecture:

**Proposition 3.** *Failure to expand legal guarantees of due process protections at the federal level will increase pressure for guarantees at the local level of government.*

4. Research Implications and Conclusions

4.1. Implications

The exercise of proposition generation from the case of comparable worth is meant to act as a catalyst for future research. We believe that certain aspects of the behavior of the fragments of the state with respect to comparable worth may be generalizable; thus, we have stated the general mechanisms and offered them as propositions. However, our belief that these mechanisms are both correct and generalizable must await systematic empirical exploration of these propositions in other contexts. This research agenda points to the importance of elaborating the roles of organized actors as they interact with various fragments of state authority. Basically, this involves more careful study of the roles of organizational management, unions, and personnel professionals.

4.1.1. Organizational Management. Previous work has suggested that management must be prodded into guaranteeing due process protections in the workplace. For example, Baron and Newman (1990) suggest that settings where the organizational costs of not achieving pay equity are high or where the costs of achieving pay equity are low will show less of a wage penalty for job categories dominated by women or nonwhites. Similarly, Edelman (1990) argues that it is only when societal pressure begins to alter the calculus of efficiency in the minds of employers that changes to due process protections in the workplace will occur. Thus, past work has suggested that managements of organizations will oppose comparable worth reform, but has left the theoretical mechanisms that facilitate or attenuate this managerial recalcitrance largely unspecified. Perhaps careful study of how management interacts with the fragments of the state might offer an opportunity to improve our understanding of this process. As relatively disenfranchised constituencies look to elected officials and collective action to make their concerns known, understanding how more powerful constituencies use the monetary and lobbying potential at their disposal becomes more important.
4.1.2. Unions. Similarly, the importance of unions has been highlighted in past work on the expansion of due process protections in the workplace (Baron et al. 1986, Dobbin et al. 1988). In highlighting the role of unions, however, past work has not posited a single or coherent role for trade unions in the expansion of due process protections in the workplace. Some observers have argued that trade unions have been instrumental in the maintenance and even intensification of inequities toward women and nonwhites (Marshall 1974, Roos and Reskin 1984). At the same time, other work has argued that unions are the champions of the expansion of due process protections in the workplace. Specifically situated to provide an organized legal voice to represent workers, unions have been previously shown to be major actors in the expansion of due process protections (Baron et al. 1986, Dobbin et al. 1988).

We would expect that unions will be among the most visible and successful advocates for the expansion of legal guarantees of due process protections in the workplace for at least three reasons: First, unions have a legal mandate to protect workers. Second, unions have the organization and funds to be powerful actors in the struggle to expand due process protections in the workplace. Third, unions have begun to be characterized by the same heterogeneous membership that the workforce displays. This has called attention to the differential success of groups in attaining rewards in the workplace.

Unions may be especially important in explaining the success of comparable worth in the public sector. Baron and Newman (1990, p. 158) make the argument explicitly: “In the public sector, . . . collective bargaining has been a major force behind pay equity, in part because females and ethnic minorities represent major constituencies within many public sector unions.” Future study can help us to understand the expansion of due process protections in the workplace by elaborating the role of unions in manipulating fragments of the state, particularly in terms of litigation, lobbying, and collective bargaining. One area that could be important would be the study of differences between unions that use strategies to achieve pay equity and those that ignore the issue. Another area of potential importance would be comparative study of the role of unions in different attempts to enact comparable worth reform, leading to a better understanding of what contributes to the success and failure of reform efforts both nationally and locally. Such work can help to shed light on how politically organized constituencies understand and maneuver among the fragments of the state.

4.1.3. The Personnel Profession. Finally, past research (Baron et al. 1986, Dobbin et al. 1988, Edelman 1990) has pointed to the importance of the personnel profession in the diffusion of new workplace arrangements. For example, Edelman (1990, p. 1410) cited five factors that contributed to the expansion of workplace rights: “In the case of rights expansion, several factors seem especially significant: (1) societal pressures for fair governance increase; (2) there is a gradual change in employer’s calculuses of efficiency; (3) legal definitions of fairness incorporate changing organizational practices; (4) the personnel profession plays a crucial intermediary role by conveying models of governance; and (5) all these factors interact, hastening and reforming the diffusion process.” However, the complete absence of the personnel profession from our case study of comparable worth suggests that the sequence suggested by Edelman (1990) may not be universal.

Arranging her factors as a temporal sequence and distinguishing between fast and slow sequences in the diffusion of workplace rights suggest why the personnel profession is not yet central to the story of comparable worth. The fast sequence, as occurred in the case of equal pay for equal work, is illustrated on the left side of Figure 2. In this sequence, societal pressure for fair governance in the workplace
leads to enactment of legal guarantees of due process protections in the workplace at the federal level. The federal government acts as the primary force in the diffusion of these protections, the calculus of efficiency used by employers is changed quite rapidly. Personnel professionals act to develop, implement, and diffuse particular patterns of compliance with new legal requirements. From this scenario, we would suggest that if societal and proponent pressure can ensure enactment of federal protections, personnel professionals will be responsible for and lead the rapid development and diffusion of new due process protections in the workplace.

The slow sequence as occurred for comparable worth, is depicted on the right side of Figure 2. In this sequence, societal pressure does not lead to the enactment of federal laws that guarantee due process protections in the workplace. At this point, the focus of activity shifts, and public pressure may lead to the enactment of laws guaranteeing due process protections that are limited to employment in particular organizational fields (DiMaggio and Powell 1983), e.g., public employment in a geographically specified region. For the case of comparable worth reform, Minnesota’s program of ‘Wage Justice’ is an early and well-publicized example (Evans and Nelson 1989). At some point, these limited guarantees of due process protections in the workplace may combine with public pressure to affect legal definitions of fairness, perhaps initially only in specific organizational fields. These new definitions of fairness will erode the legitimacy of existing governance structures in the employment relation that allow for ‘unfair’ workplace practices. New workplace practices will be put in place to remedy the unfairness of old practices. When this localized diffusion of these new workplace arrangements reaches some threshold level (Tolbert and Zucker 1983, Mezias 1990), the latter steps of the sequence will commence. Changes to the calculus of efficiency and the diffusion of these new due process protections practices by networks of personnel professionals will become important. The process will be slower still if even limited legal guarantees of due process protections in the workplace fail. At that point, diffusion must proceed at the organizational level, perhaps in collective bargaining agreements. This will slow the growth of these protections toward the threshold level at which later portions of the sequence are activated.

Comparison of the fast and slow sequences suggests that if societal and proponent pressure cannot ensure enactment of federal protections, and only local or organizational protections are enacted, the involvement of the personnel profession will be
limited and localized. Such a conceptualization begins to clear up the mystery surrounding the empirically ambiguous role of personnel professionals in the expansion of due process protections. The predominance of the personnel profession in previous studies of the expansion of due process protections can be interpreted as, at least partially, the result of studying success stories. In other words, the support of the fragments of the federal state for bureaucratic employment practices (Baron et al. 1986) and procedural rights (Dobbin et al. 1988, Edelman 1990) resulted in their widespread and rapid diffusion. As depicted on the left in Figure 2, the personnel profession was at the forefront of these rapid diffusions. By contrast, the slow sequence seems to be the fate of more status-related rights protections, as suggested by the findings of Dobbin et al. (1988) concerning affirmative action and our case study of comparable worth. As a result, the initial involvement of personnel professionals in the diffusion of these rights (Lorber, Kirk, Samuels and Spellman 1985) is not expected to be unified or prominent. Some commentators, noting initial opposition to comparable worth reforms among personnel professionals, have even implied that their position may merely mirror that of organizational management (Chi 1988, Steinberg 1984), as they are dependent upon the goodwill of management for the continuation of their influence, organizational perquisites, and, ultimately, their livelihood.

We expect that in that segment of the personnel profession dealing with private employment, especially in less progressive localities, this argument may hold true. Members of the personnel profession working in these sectors will tend to oppose the expansion of due process protections. More generally, we expect that there will not be widespread support for comparable worth reforms among personnel professionals until these reforms become more institutionalized and thus, more acceptable to the organizational managers who are directly responsible for the livelihood of the personnel profession. If due process protections to guarantee equal pay for comparable work do become institutionalized, specialized organizational sectors, such as civil service employment by state government and personnel professionals working in or close to these sectors, will lead the way. When this spread reaches some threshold level (Tolbert and Zucker 1983, Mezias 1990), we would predict that the personnel profession will become increasingly important.

4.2. Conclusion

Based on previous research, we argued that the environmental level of analysis, particularly actions by the fragments of the state, would affect the expansion of due process protections in the American workplace. Our analysis consisted of an interpretive history of attempts to provide a legal guarantee of the right to equal pay for work of comparable value.

The main ideas can be summarized as follows. In the early 1960s, comparable worth initiatives were pushed aside as part of a compromise to achieve a federal guarantee of the right to equal pay for equal work. By the time the comparable worth agenda was resurrected in the early 1970s, support for the expansion of due process protections in the workplace had ebbed in both the legislative and executive branches. However, as our fragmented state model recognizes explicitly, the doctrine of the separation of powers guarantees that there are alternative arenas for the pursuit of policy goals. Thus, proponents of comparable worth reform were able to file litigation in the federal judiciary to try to establish that Title VII of the Civil Rights Act of 1964 defined unequal pay for work of comparable value as illegal discrimination (Heen 1984). The result was a contest between competing definitions of illegal discriminations; opponents of comparable worth protections advocated the market defense while proponents argued that the protections offered by the Civil Rights Act ex-
tended to those working in comparable but not identical jobs. The outcome of this battle of cognitive conventions (DiMaggio and Powell 1991) was a victory for the market defense. As a result, the judicial branch established that the due process protections in the workplace guaranteed under the Civil Rights Act of 1964 did not include the right to equal pay for work of comparable value. Thus, federal protection against wage discrimination would not be extended to persons in low wage occupations dominated by white females and people of color.

This loss in the judiciary was the last step in a refusal by the federal level of government to guarantee the workplace right of equal pay for work of comparable value. This was a clear defeat for attempts to make comparable worth part of the legal order. Nonetheless, defeat at the federal level did not necessarily mean that the era of comparable worth had ended (Steinberg 1987). The fragmented state model recognizes explicitly that the doctrine of the federalism means that there are local as well as federal levels of government where policy goals may be pursued. In the wake of the stabilization of nonsupport for comparable worth at the federal level, activity by advocates continued at the local levels of government. From the point of view of reformers, the unfortunate aspect of relying on local initiatives is that they are not as wide in scope; state initiatives are limited not only geographically but also in terms of coverage of employment in private firms. This is illustrated for the case of comparable worth in that virtually all of the state initiatives have been aimed at improving pay equity for employees of the state government, with no necessary effect on other employees in the state. Thus far, the adoption of reforms in response to state initiatives has been largely limited to large public bureaucracies.

The case of comparable worth illustrates the importance of modeling the American state as fragmented. If proponents of reform are blocked from certain centers of power, they may be able to navigate within the system to find alternative routes to implementation. Thus, insufficient support at the legislative branch to overcome active hostility in the executive branch led advocates of comparable worth doctrine to turn to the federal judiciary. The subsequent defeat of comparable worth doctrine in the courts, however, did not hamper advocacy activities at the local level of government. Absent a cyclic shift to a new progressive era at the level of the national state, we expect that local initiatives will remain the core of comparable worth reform. Adoption will continue to respond more to pressures on local levels of government, particularly from the combination of the effects of publicness of the sector at the environmental level and size, the characteristics of unionization, and the characteristics of jobs at the level of the individual organizational units that make up local government (cf. Figure 1).

The future development of the theory of the expansion of due process in organizations requires better articulation of longitudinal change. In particular, we need to understand more fully the dynamics of the links between key actors and changes in activity by a fragmented American state (March and Olsen 1989). In turn, these dynamics must be tied to the extent of support for due process protections among personnel professionals (Baron et al. 1986, Dobbin et al. 1988, Edelman 1990) and the adoption of due process protections by individual organizations (Baron et al. 1986, Dobbin et al. 1988, Baron and Newman 1990, Edelman 1990). For example, current events in the development of civil rights protections in the American polity may offer the opportunity to study a natural field experiment. There has been a recent, well-publicized rise in activity on Civil Rights by the administration, Congress, and the federal judiciary, including the Supreme Court. Two types of analyses using the framework we have developed here could offer the possibility of a real contribution. First, a longitudinal analysis linking these actions explicitly with less publicized activities at the state and local levels could enhance our understanding how fragments
of the state interact to affect the diffusion of workplace rights diffuse. Second, these federal actions could be coded as favorable or unfavorable to the expansion of due process protections and used to predict action at the level of individual organizations. This could help to articulate the link between actions by fragments of the state and organizational change.

Acknowledgements

Please direct correspondence to the second author. The listing of authors is alphabetical; this work is fully collaborative. The authors would like to thank Kim Blankenship, Paul DiMaggio, Frank Dobbin, Lauren Edelman, Bradford Gray, John Meyer, Frances Milliken, and participants at a seminar at Yale University. The helpful editorship of Bob Bies and Sim Sitkin is acknowledged gratefully, along with the extensive and extraordinarily helpful comments of several anonymous reviewers. In the grand tradition of such acknowledgements, we take full responsibility for all that remains problematic in the paper.

References


(1985), *Comparable Worth: A Case Book of Experiences in States and Localities*, Industrial Relations Center at University of Hawaii.


Shapiro, Martin M. (1969), The Supreme Court and Public Policy, Glenview, IL: Scott, Foresman and Company, 57–64.


