Mobilizing to Fulfill the Constitution's Promise:
A Critical Review of Dennis Chong's *Collective Action and the Civil Rights Movement*

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Synopsis

This critical review summarizes and assesses Dennis Chong's rational choice argument in *Collective Action and the Civil Rights Movement*.[1] Given the fact that constitutional rights provisions are rarely self-enforcing or self-executing, Chong makes a valuable contribution to the burgeoning literature that seeks to uncover the decentralized, non-state mechanisms for the enforcement of fundamental rights provisions, particularly in the context of social conditions that are incongruent with the progressive promise of a constitution's rights clauses (see Rosenberg 1992; McCann 1994; Epp 1998).[2] I begin by providing an overview of Chong's argument and then proceed to deliver a brief critique. I argue that Chong's primary shortcoming is to ignore the relationship between activists and bureaucrats, which leads him to overdramatize the autonomy of the Civil Rights Movement vis-à-vis the state and the bottom-up quality of social movements in general.

Collective Action and the Civil Rights Movement

In *Collective Action and the Civil Rights Movement*, Dennis Chong seeks to explain the emergence and dynamics of public-spirited collective action, defined as "large-scale political activism that is motivated by such public concerns as the environment, peace, civil rights, women's rights, and other moral and ideological issues" (Chong 1991: 1). Chong's challenge is to explain such mobilization primarily (though not exclusively) in rational choice terms rather than through the framework articulated by Albert Hirschman, which posits that the expressive benefits of collective action, in the context of a grievance-induced struggle for civil rights, trump purely selfish and instrumentally rational motives.[3] In so doing, Chong builds on Mancur Olson's canonical work, *The Logic of Collective Action*. Olson broadly argued that collective action usually takes the form of a prisoner's dilemma game, whereby the Pareto-optimal outcome is for all to cooperate, but each individual has an incentive

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[1] Chong, Dennis. 1991. *Collective Action and the Civil Rights Movement.* Chicago, IL: University of Chicago Press.

[2] Rosenberg, Gerald. 1992. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago, IL: University of Chicago press; McCann, Michael. 1994. *Rights at Work: Pay Equity reform and the Politics of Legal Mobilization.* Chicago, IL: University of Chicago Press; Epp, Charles. 1998. *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective.* Chicago, IL: University of Chicago Press.

[3] Hirschman, Albert. 1982. *Shifting Involvements: Private Interest and Public Action*. Princeton, NJ: Princeton University Press.

to defect, and hence without selective incentive mechanism for participation, collective action will fail to arise.[4] Chong moves the discussion forward by arguing that "public-spirited collective action, when placed in the context of ongoing community interaction, is often transformed from a prisoner's dilemma into an assurance game" (Chong 1991: 6). In an assurance game, the individual wishes to coordinate his behavior with the actions of others. Additionally, the individual prefers collective action to no collective action, but they will only participate if others do as well. Thus "each individual wants to do what everyone else does, but he prefers everyone to participate rather than to abstain" (ibid: 103). The critical variable in transforming a prisoner's dilemma into an assurance game is the presence of social and psychological incentives. "Many people participate in causes out of a sense of obligation to their families, friends, and associates; they go along to get along, to repeat a trite but true aphorism" (ibid: 232). These dynamics arise when the decision to engage in collective action or to abstain from it occurs in the context of repeated interactions or, in game theoretic terms, of an iterated game. Here, the narrowly rational motive to coordinate your behavior with others is spurred by the long-term benefits of being perceived to be a community member in good standing, including "the desire to gain or sustain friendships, maintain one's social standing, and avoid ridicule and ostracism" (ibid: 9). Thus although this framework fits with the logic of instrumental rationality, it is not a materialist theory as in Olson's work: the presence of social and psychological pressures to participate far outweigh selective material incentives, which "have only a minor role in stimulating public-spirited collective action" (ibid).

Yet just because Chong posits that the American Civil Rights Movement is best modeled as an iterated assurance game rather than a prisoner's dilemma game does not mean that collective action problems suddenly evaporate. In an assurance game, a collective action problem is avoided only if every agent prefers the same outcome as every other agent, and all are aware of one-another's preferences (i.e. there is perfect information) (ibid: 104-106). This condition is rarely met in the real world, and the Civil Rights Movement was no exception. When there is uncertainty about the convergence of preferences amongst would-be-activists, then the prospects of success suddenly diminish. This raises a substantial challenge, for Chong argues that members of a group "are enthusiastic about contributing to collective action or are pressured to do so, only when such collective action has a realistic opportunity to achieve the desired public good" (ibid: 11). Thus the "danger is that everyone will stand around waiting for others to pay the heavy start-up costs needed to initiate the

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[4] Olson, Mancur. 1965. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge, MA: Harvard University Press.

process" of public-spirited collective action, even though everyone is nonetheless seeking an opportunity to participate (ibid: 118).

There are four ways to alleviate this problem that are elaborated by Chong. The first is to thicken the interdependence of social actors by relying on strong and pre-existing social networks: "social solidarity among potential participants will tend to reduce the threshold [at which they will mobilize], because people will feel obligated to participate at an earlier stage of collective action than they would in the absence of social pressure and personal commitments to the group" (ibid: 120). Further, reliance on established networks of solidarity also alleviates the imperfect information problem, for these networks can also act as a mechanism of information diffusion. For example, in the context of the Civil Rights Movement, "the church was the best institution available to serve as the basis for organizing collective action. News of the boycott could be spread more efficiently through the church than through the available black media, and church congregations already possessed the solidarity leadership that would make them easy to mobilize" (ibid: 101).

The second is the presence of a leader whose tolerance of the potential ramifications of stirring the pot is either particularly high or who is otherwise motivated by "extremely moral – some might say extremely "irrational"" motives (ibid: 122). In an assurance game, it is crucial for said individuals to "assume leadership roles and to constitute in effect the critical mass that instigates the growth of collective action" (ibid: 122). Chong refers to these first-movers as "Kantians," for they are "unconditional cooperators" who value cooperation irrespective of the actions of others (ibid: 138). Here, well-known individuals may serve as particularly effective catalysts for collective action: "by attracting media coverage, public figures reduce the risk of participation in more dangerous forms of collective action for rank-and-file activists […] By lending his name and energy to a cause, the celebrity draws public attention to it, and at the same time his endorsement gives the cause more credibility" (ibid: 123-124). Here, Chong adapts Olson's argument that, particularly in small groups, there will always be at least one member who "will find that his personal gain from having the collective good exceeds the total cost of providing some amount of the good," and hence that individual will presumably bear the burden of providing a material selective incentive to spur collective action (Olson 1965: 33-34). The main difference is that Chong believes that "efforts to reduce the behavior of leaders to selfish motives are typically unsatisfactory" (Chong 1991: 127), and that their ability to spur collective action comes not from their provision of material incentives but by altering the expectations of the fledgling movement's prospect of future success.

The third is a precedent of past (successful) collective action that can be re-appropriated and reproduced within the context at hand. Here, we see Chong drawing upon a logic most famously

articulated by Sidney Tarrow in *Power in Movement,*[5] namely that the 1848 cycle of social unrest that spread throughout Europe fostered a paradigm shift in the repertoire of contentious politics by spurring a convergence towards the modern, modular social movement: "a new repertoire developed that was cosmopolitan rather than parochial; autonomous rather than dependent on inherited rituals or occasions; and modular rather than particular. Centering around a few key routines of confrontation, it could be adapted to a number of different settings and its elements in campaigns of collective action. Once used and understood, it could be diffused to other actors" (Tarrow 1994: 37). Chong takes the modularity of contentious politics as given and focuses more heavily on the ability of past collective action to alter the participation thresholds of would-be-activists: "The availability of successful models of protest raises expectations about the changes of success. Only when coordination is shown to be advantageous to the group will group members have the obligation and incentive to form a convention and institute the system of rewards and punishments required to sustain it" (Chong 1991: 96).

Finally, public authorities may overreact and repress activists to such a degree that the community is spurred to mobilize. "Time and again throughout history," writes Chong, "we witness instances of unraveling and dying campaigns being revived by the ill-advised roughhouse tactics of the opposition" (ibid: 137). Here, Chong leverages a heuristic similarly referenced by James Scott in *Domination and the Arts of Resistance*[6] and formalized by Timur Kuran in *Private Truths, Public Lies*[7]: namely, the idea that there exist a public set of preferences (in Kuran's language) or contributions to a public transcript (in Scott's) which is distinct from an individual's private preferences or from a society's hidden transcript. An overreaction or unnecessarily brutal wave of repression may induce activists to save face and "motivate participation even when most people would rather abstain from action. The private preferences of the activists are submerged beneath their publicly stated wishes to retaliate" (ibid: 137). Here, the payoff structure of the assurance game is transformed, as the purpose of collective action is no longer instrumental – to bring about social change – but more intrinsic and expressive, namely to defy the authorities and retaliate against their oppression: "successful coordination per se becomes the aim of the campaign and not the means to the end" (ibid: 138).

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[5] Tarrow, Sidney. 1994. *Power in Movement: Social Movements and Contentious Politics*. New York, NY: Cambridge University Press.
[6] Scott, James. 1992. *Domination and the Arts of Resistance: Hidden Transcripts*. New Haven, CT: Yale University Press.
[7] Kuran, Timur. 1997. *Private Truths, Public Lies: The Social Consequences of Preference Falsification*. Cambridge, MA: Harvard University Press.

A Critical Appraisal

Chong treads a fine balance between an exclusively rationalist argument of the Civil Rights Movement on the one hand and the non-rationalist, expressive thesis of Hirschman on the other. He acknowledges the tensions inherent in this effort: "One problem with being too closely wedded to rational choice explanations of social behavior is that we risk foreclosing by our assumptions the possibility of alternative explanations that do not rest on the egoistic motivations of the actor" (ibid: 130). By acknowledging, as Olson does not, that the "leaders," or first-movers, in collective action efforts are more so driven by moral, religious, or otherwise "irrational" concerns than material incentives, his model of collective action blends an expressive and instrumentalist logic. This is perhaps the most fruitful, and certainly the most realistic, contribution of Chong's model of collective action.

Nevertheless, problems remain with Chong's narrative, and for reasons of space I would like to focus exclusively on what I consider to be its most serious shortcoming. Specifically, although Chong's narrative stresses the consequences of the interdependence of civil rights activists, he does a poor job of scrutinizing the links between activists and the bureaucrats that comprise the existing regime and who organize state authority. In fact, the only time Chong discusses the interaction between activists and the state is in cases where the state re-ignites a dying collective action effort by engaging in gratuitous bouts of repression. This suggests that to the extent that activists are linked to public officials, their relationship is likely to take the form of a conflictual binary opposition. This, I argue, is an oversimplification that distorts and diminishes the role of the state within any struggle for civil rights and social change.

We can begin by noting that the Civil Rights Movement is, in many respects, not unlike a democratization movement within an authoritarian regime (at least from the perspective of those who are victims of structural discrimination backed by the coercive power of the supposedly "democratic" state). In the literature on democratization, we find substantial analysis of the relationship between opposition leaders and regime members. In its most celebrated formulation, Philippe Schmitter and Guillermo O'Donnell's work argues that if popular protest becomes substantial, it is possible that regime "softliners" will break off from the ruling coalition and negotiate with the democratic opposition. Thereafter, a highly fragile and uncertain "transition game" begins, often resulting in the softliners and opposition agreeing to enact social change (O'Donnell 1989: 68-70).[8] Similarly, Samuel Huntington's tripartite typology of democratization paths includes the possibility of "transplacements," which are characterized by social change that is neither exclusively top-down ("transformations") nor

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[8] O'Donnell, Guillermo. 1989. "Transitions to Democracy: Some Navigation Instruments." In *Democracy in the Americas* (Robert A. Pastor, ed.). New York, NY: Holmes & Meier.

bottom-up ("replacements,") but rather by regime moderates and opposition leaders combining their strengths in order to facilitate a democratic transition (Huntington 1991: 608-609).[9]

Importantly, the foregoing observations are not exclusive to democratization studies: they have been made by scholars of the Civil Rights Movement as well. Most prominently, John Skerentny's *The Minority Rights Revolution* argues that "[a]fter the mass mobilization and watershed events of the black civil rights movement, this later revolution was led by the Establishment. It was a bipartisan project, including from both parties liberals and conservatives- though it was hard to tell the difference. Presidents, the Congress, bureaucracies, and the courts all played important roles" (Skerentny 2002: 2).[10] Skerentny thus argues that to understand the civil rights movement, we must assess the successes and failures of civil rights leaders to court and forge relationships with the "white men [that] dominated government" and constituted "the images of power" (ibid: 5). Bureaucratic agencies such as the Equal Employment Opportunity Commission (EEOC), the Department of Health, Education, and Welfare's Office for Civil Rights, and the Department of Labor's Office of Federal Contract Compliance all played critical roles in determining the fate of the civil rights movement (ibid: 8). Similarly, Paul Frymer argues in his 2007 book, *Black and Blue*,[11] that it was the inability to find sympathizers within the National Labor Relations Board (NLRB), whose members were more interested in protecting majority-white labor unions against post-New Deal attacks, which spurred civil rights leaders to call for the creation of the EEOC (and ultimately fostered an inter-institutional battle pitting labor unions against civil rights activists) (Frymer 2007: 13-14). The exclusively bottom-up narrative of Chong hence needs to be qualified, if not reformulated altogether. For while the start-up costs of collective action may well fall primarily upon the shoulders of civil rights activists excluded from the state's bureaucratic apparatus, the strength of the relationship between activists and bureaucrats is a critical determinant of the success of any social movement.

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[9] Huntington, Samuel P. 1991. "How Countries Democratize." *Political Science Quarterly* 106 (4): 579-616.

[10] Skerentny, John. 2002. *The Minority Rights Revolution*. Cambridge, MA: Harvard University Press.

[11] Frymer, Paul. 2007. *Black and Blue: African Americans, the Labor Movement, and the Decline of the Democratic Party*. Princeton, NJ: Princeton University Press.