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Social unionism and the framing of ‘fairness’ in the Wisconsin uprising

Graeme Chesters

University of Bradford, UK

Abstract

The concept of ‘fairness’ has been used to frame political struggles by politicians and activists across the political spectrum. This article looks at its use in the US State of Wisconsin during the ‘Uprising’ – a series of occupations, protests, recall elections and militant direct action that began in 2011. These events were a response to a ‘budget repair bill’ that sought to strip public sector union members of their collective bargaining rights and to apply severe austerity measures within the State. This article suggests that although ‘fairness’ has a certain broad-based and intuitive appeal, its mutability means that it is unlikely to be successful in framing a structural critique that can build and sustain social action. Instead, it argues that framing this conflict as an uprising suggested a more explicit form of resistance that enabled a wider mobilization, and this can best be understood as an example of social (movement) unionism – the extension of traditional work place rights approaches to include broader agendas of social justice, civil rights, immigrant rights and economic justice for non-unionized workers.

Keywords

Fairness, social movement, unions, Wisconsin, uprising

The common demand, says three-time Madison Mayor Paul Soglin, is “fairness,” a phrase broad enough to include collective bargaining rights, resistance to cuts in education and public services, the steady privatizing of the university, and deep populist rage against Wall Street, corporate power and particularly the billionaire Koch brothers, who are considered the deep pockets behind the Republican strategy. (Hayden, 2011)

This is an extremely important symbolic state, as this was where the union movement was born. . . Wisconsin is the battleground, it wasn’t a random thing. (Lane

Hall, Overpass Light Brigade, interviewed
16 April 2015)

Introduction

This article addresses the ways in which the concept of ‘fairness’ has been used to frame political struggles at the local level by politicians from left and right, and it uses a period of contentious municipal politics in the US to analyse the utility of this concept

Corresponding author:

Graeme Chesters, Department of Peace Studies,
University of Bradford, UK.

Email: g.s.chesters@bradford.ac.uk

as a means of framing appeals for more progressive forms of politics. The intention is to bring a different lens to bear upon the concept of fairness by examining how this idea played out during what activists describe as the 'Wisconsin Uprising'. This was a series of occupations, protests, recall elections and militant direct action during 2011, in response to a 'budget repair bill' that sought to strip public sector union members of their collective bargaining rights and apply severe austerity measures in the state. Arguably, 'the uprising' is still ongoing, and it has formed the basis for a re-appraisal of the relationship between trade unions and social movements and how issues of 'fairness' or perhaps more appropriately ideas of social justice can be maintained in opposition to the implementation of aggressive austerity measures by municipal government.

The concept of fairness has become increasingly popular in the socio-political discourse of the liberal-left in the UK, from Fairness Commissions (Bunyan and Diamond, 2014) to campaigns for a living wage, to permaculture activists and their principle of 'fair shares' for all. It inhabits the intersection of state and civil society, and transgresses the boundaries of local, national and global. Fairness resonates with those driven by the desire to achieve the 'good society', whether they are politicians, activists or academics. It also succeeds in being both inoffensive and all encompassing. Fairness is a classic empty signifier and as such can be invested with a variety of meanings and put to work politically in a range of contexts and to varying ends.

However, in a period where the social costs of austerity economics become ever more visible, it is also perhaps no coincidence that the idea of fairness, as intuitive a value as any, is increasingly mobilised to ask deeply political questions. Is it fair that in the UK a majority of those in poverty

have someone in their household in work (Living Wage Commission, 2014)? Is it fair for a typical CEO of a FTSE 100 company to earn one hundred and sixty times the income of their average worker (High Pay Centre, 2014)? Is it fair for private debt to become socialized and should sovereign debt always be repaid regardless of the impacts on society (Lienau, 2014)?

In the UK such questions of fairness and their consideration by local state and civil society partners in Fairness Commissions have led to some progressive outcomes, including the spread of the living wage and on one occasion the reduction in pay of a Council Chief Executive. However, these changes are often locally implemented, piecemeal and can be self-limiting due to the partnership approach that typifies many local state – civil society initiatives. Indeed, Fairness Commissions can inadvertently encourage the idea that poverty and inequality are a result of the local context and might therefore only require action at this level. This echoes the strategic mistake of some environmental organisations during the 1990s, when faced with the ecological impacts of rapid globalisation, which was to exhort their supporters to 'think global, act local' thereby ceding the global to trans-national corporations and extra-national governance organisations. A mistake that was rectified by the emergence of the alter-global movement, most celebrated for its prominence as the chief opposition to the corporate influenced WTO trade discussions and economic hegemony of the World Economic Forum and G8 structures. The concern then is that whilst Fairness Commissions enable some of those involved to signal their opposition to the restructuring of the welfare state at a local level, they do so without necessarily contesting the worst impacts of the social and economic restructuring that is taking place under the conceptual framework of neoliberal austerity.

In examining the concept of fairness that is underpinning such initiatives, this article will attempt to draw some lessons from an international context and to look instead at an instance of conflict, rather than cooperation between the local state and civil society. It will look specifically at the US State of Wisconsin and its checkered history as a beacon of progressivism in the context of US public policy and labour relations. From analysis of how the concept has contributed to state–civil society relations historically, to its role in animating forms of contentious politics that have emerged in recent years. I will discuss how the presumption of ‘fairness’ as a basis for public policy has a long tradition in this state, under the auspices of what its citizens refer to as the ‘Wisconsin idea’. A form of ‘progressive’ politics that is closely associated with the founding and emergence of the State itself, and one that includes an emphasis upon progressive taxation, workers rights, opposition to corporate power and tight controls over political influence. I will also describe how the ‘folk memory’ of this tradition played into the highly public struggle to defend and maintain collective bargaining rights. These included payments of ‘fair share’ fees by non-union employees, which were targeted by the incoming Republican Governor – Scott Walker, a tea-party movement endorsed politician whose political support base and campaign contributors were ideologically opposed to the trade union movement. It will describe how the discourse of ‘fairness’ was employed by the Governor, the labour movement and others and how it helped frame the largest labour protests in the US for decades, and it will question the utility of the concept as a means of representing and defending the principle of collective social and economic goods.

In doing so, I argue that the experience of Wisconsin public sector workers and those that engaged in the uprising highlights

the potential of ‘social unionism’ or ‘social movement unionism’ (Clawson, 2008; Fairbrother, 2008; Moody, 1997). I use these terms interchangeably as I suggest there is little difference between them for analytical purposes. However, I recognise they tend to be representative of specific forms of political and cultural expression. Social unionism is a term most familiar from Italian political theory whilst social movement unionism has its roots in the UK/US tradition. In essence, both terms describe the extension of traditional work place rights approaches to include broader agendas of social justice, civil rights, immigrant rights and economic justice for non-unionised workers (Chesters and Welsh, 2010: 156–157). It suggests that this approach is evolving rapidly, as changes to the law on both sides of the Atlantic increasingly diminish the opportunity for more traditional repertoires of union engagement and their capacity to exert collective pressure through formal channels. Social unionism tends to be motivated by an analysis of the ideological and conflictual nature of the politics underpinning debates about what is fair and therefore is oriented to a more strategic and long-term commitment to struggle. This is increasingly evident in both contexts as a response to the narrowing of the political opportunity structure, in the shape of further restrictive trade union legislation. This includes, in the UK, the Trade Union Bill 2015-16, which the Trade Union Congress (2015) has suggested ‘threatens the basic right to strike’ and will necessitate a return to wider forms of collective action.

In addressing these issues I am seeking to understand how the concept of fairness is operationalised in such contexts, the differences in local state–civil society relationships, and the contrasting experiences on either side of the Atlantic. Underpinning these observations and at the heart of the article is an analytical model that provides

for the mobilising frame of ‘fairness’ to be analysed separately from the normative and moral presumption of what is fair between individuals, thus privileging the concepts political utility rather than its use as a means to measure the outcomes of policy. In addition to the secondary literature, this article is also informed by material from interviews carried out with civil society activists, trade union organisers and others who participated in the protests in Wisconsin during 2011. These were conducted in spring 2015 as part of a broader undertaking to research the dynamics of community responses to events that are triggered by actors outside their community, and which provoke fundamental challenges to the community’s ideas of justice, their collective identity and their ability to withstand and respond to shock or trauma.

Understanding the Wisconsin idea

In 1911, the Wisconsin legislature passed the first worker’s compensation law in the US, providing aid to those injured in their jobs. By doing so, Theodore Roosevelt argued that Wisconsin had become ‘literally a laboratory for wise experimental legislation to secure the social and political betterment of the people as a whole’ (Stein and Marley, 2013: 64). Wisconsin was also the first state to introduce unemployment insurance, and this action coupled with the prominence of many of its legislators and academics helped set the example that helped shape the New Deal and the implementation of a national Social Security program.

Wisconsin was the bastion of a form of social and political progressivism that had numerous roots; it was a free-state and a centre of abolitionism from its foundation in 1848 and was an important destination for a generation of ‘forty-eighters’ who emigrated from Germany to settle in

Milwaukee after the failed 1848 revolutions in Europe. These German émigrés brought with them a tradition of Socialist politics that took root in the state and Wisconsin was home to one of only two Socialist senators that served in the US Senate. This tradition lasted well in to the mid 20th century, with Milwaukee having a Socialist mayor until 1960. The history of progressivism in the State, however, is probably a more powerful influence, and it is most often characterised in the form of Robert La Follette (1855–1925), a former Republican then progressive Governor, who became Senator of Wisconsin and who fought a Presidential campaign for the Progressive Party gaining 17% of the votes in the 1924 election. ‘Fighting Bob’ campaigned to be President on a platform of opposing corporate power, nationalising the railways and utility companies, greater protection for trade unions and civil liberties, and in opposition to American imperialism in Latin America.

A powerful legacy of La Follette and the history of socialist and progressive politics in the State is what is known as the ‘Wisconsin idea’. This is an idea whose implications are not always easy to grasp and it sometimes leaves those outside of the state confused by its apparent role in the wider community mobilisation and its opposition to attacks on public sector workers. During two days in April 2015, I interviewed five prominent local trade union and community activists and I asked each of them how best to summarise this idea. All of them described the wider public as holding a belief in the civic duty of those in power to pursue a form of progressive politics within the state, i.e. ‘the search for truth and fairness in public life by the University and public officials’ (Civil society activist, interviewed 16 April 2015). In this instance, my respondent wanted to emphasise the role of the University of Wisconsin in providing research led guidance to those

in public life, and indeed the University has a long and proud history of working closely with legislators to these ends. So much so, that it has effectively written this ‘idea’ in to the mission statement of the University, which dedicates itself to extending knowledge, searching for truth and improving the human condition, all familiar refrains for a public University. It is perhaps strange then, that the present State Governor – Scott Walker – attempted to have this idea removed and replaced in 2015, substituting instead, in typically neoliberal and managerialist fashion, a commitment to ‘workforce readiness’.

This move was later dismissed as an administrative error after considerable outrage and protest and these responses shed some light on the apparent power of the Wisconsin idea. It is less the expression of a commitment to values of the public good, to fairness in public life and to the implementation of these values through social policy that worried the Governor. After all, these values are open to reinterpretation through a conservative lens. Rather it is the way in which these commitments have been *historically realised* and the association of these ideas with progressivism and with those who used such ideas to great effect during the mobilizations in 2011. The Wisconsin idea is a key part of the folk memory that recalls the influence of ‘progressive’ values in state politics, and is closely associated with the policies pursued by La Follette himself – progressive taxation, workers rights, opposition to corporate power and political influence, the extension of democratic accountability and opposition to predatory wealth. La Follette believed the values of the University and its aim to search for truth and to build the good society were consistent with these policies and therefore the University and the State should be synchronous in their approach to realizing such policies. When the Mayor of Madison – Paul Soglin – stated that a common demand of

those protesting the Governor’s attacks on public sector union rights was ‘fairness’, he was both acknowledging that the conflict went beyond the workers themselves and invoking the collective ideal associated with the Wisconsin idea. It was an appeal to a form of progressivism that is rooted in the apparatus of the local state, and set deep within the public education system, but which also has a historical resonance with wider notions of citizenship. This version of the Wisconsin idea links fairness to a set of political objectives, some of which can appear as radical now as they did when they were first articulated a hundred years ago.

The up-rising

‘Uprising sounds spontaneous, it is not being raised up, it is spontaneously uprising.’ (Kaja Rebane, Madison community and trade union activist, interviewed 15 April, 2015)

Tyranny and oppression are just as possible under democratic forms as under any other. We are slow to realise that democracy is a life; and involves continual struggle. It is only as those of every generation who love democracy resist with all their might the encroachment of its enemies that the ideals of representative government can even be nearly approximated. (Robert La Follette in Nicholls, 2011)

In early 2011, the Wisconsin ‘wave’ of protests (Fithian, 2012: 381; Nicholls, 2012) brought global attention to what might otherwise have been a little local difficulty for a rising star of the Tea Party movement within the Republican Party – Governor Scott Walker. Huge mobilisations took place in Wisconsin between February and June involving protests of over one hundred thousand people and the occupation of the State Capitol Building in Madison for over three weeks.

This was the result of the Governor's plans to reduce benefits for public sector workers, requiring payment of health care provisions and increasing their contributory payments to pensions, but more profoundly, it also sought to limit the collective bargaining rights of public sector workers and effectively de-recognise their unions. The resulting resistance, which was widespread and involved private as well as public sector workers, campaign and community organisations as well as just trade unions, led ultimately to the Governor facing a recall vote. This was prompted by the collection of over nine hundred thousand signatories to a Gubernatorial recall motion, which amongst multiple recall elections for other elected politicians of both parties, was something that had only happened twice previously in US history. These actions and the response they elicited are important in a number of ways. The actions of the Governor were a dramatic illustration of what Naomi Klein (2007) has referred to as the 'shock doctrine' of neoliberalism. In this instance a right-wing Republican Governor, backed by wealthy Tea Party donors, sought to capitalise on the financial 'crisis' as a justification for further, arguably ideological attacks, on the public sector and its workers by using the familiar arguments of deficit reduction and the desire to balance budgets. However, the mobilisation of those targeted and their wider group of supporters also provided a very graphic illustration of the political possibility of occupying public buildings and public spaces. Reintroducing a repertoire of collective action, which, whilst not unprecedented in the US, had not been a feature of contemporary politics and which was to prove an inspiration for some of the early occupy movement (Nicholls, 2012).

The announcement of a Budget Repair Bill on 11 February 2011 might have appeared likely to be inconsequential. It was evident that an incoming Republican

Governor would wish to put their stamp on the state's fiscal policy but few expected how quickly this bill would transform the political context. Wisconsin had been hit particularly hard by the outcomes of the financial crisis and the attendant recession in 2008–2009, and this led to the state facing a significant shortfall for the budgetary period from June 2009 to June 2011. Whilst this deficit had been tempered by a one-off injection of aid from the federal economic stimulus plan, there was every expectation that the incoming Governor, elected in December 2010, would seek to reform the budget for the remaining period. However, what few realised was that Walker's plan was to roll in to this bill the inclusion of a full-scale attack on the collective bargaining rights of public sector trade unionists.

Walker had arrived in office on the back of a wave of Tea Party support which included significant financial backing from billionaire industrialists the Koch Brothers, as well as a range of highly influential conservative foundations and campaign groups – including the Bradley Foundation, whose President and CEO had been the Chair of Walker's campaign to become Governor. The Bradley Foundation donated approximately \$350 million to conservative groups and arts organizations between the years 2001 and 2010 (Stein and Marley, 2013: 35). The agenda of these supporters and the various think tanks they funded is free market fundamentalism allied to social and religious conservatism and they left very little time in proclaiming what they believed to be an appropriate course of action. The John K MacIver Institute for Public Policy, a small Madison based think tank funded by the Bradley Foundation immediately set out their priorities for the new Walker administration, including curtailing the role of the public sector unions, who might otherwise be a barrier to further neoliberal reforms.

In this sense what happened on 11 February, should have been expected, but the history of the state, the Wisconsin idea and the sharply, but equally divided political allegiances of the electorate, led many to believe that Walker would avoid mounting such a direct attack on the trade unions.

One of the first things we might observe then is the ease with which it is possible to underestimate a newly empowered political opponent driven by an ideological commitment. Even if that opponent is operating within a political opportunity structure that would appear antithetical to their cause. In this instance, a context framed by socio-historical ideas of fairness rooted in a collectivist idea of the good society with a finely balanced and evenly divided electorate. We might also note that this initiative was far from isolated and appeared to be part of a wider ideological and strategic attack mounted against organised labour, as similar initiatives were unfolding in Michigan, Indiana and Ohio. In this context it is prudent then to look for indications of the issues around which struggles might take place, and the potential for conflict here was evident as early as 7 December 2010, when Walker was reported as ‘mulling over abolishing public sector unions’ at a press dinner (Stein and Marley, 2013: 38). Whilst some of those attending the dinner seem to have considered this as little more than wishful thinking on his part, Walker and his team were not only planning such a move they were also preparing a contingency plan in the event of a concerted response by the trade union movement. The budget repair bill included sections to deal with potential protests including industrial or collective action involving strikes, protests, walk-outs, etc. These included the ability of the Governor to declare a ‘state of emergency’, after which he could sack any public employee who went out on strike, or whom engaged in some other form of work stoppage, delayed or damaged the work of

the government, or who was absent for more than three days from work without evidence they were ill.

The assertion of such powers enables us to recall the classic criticism of the ‘state of exception’ (Agamben, 2005), where constitutional rights can be suspended, superseded or rejected under the authority of sovereign power. Therefore, even within representative democracies the state nearly always reserves the right to absent itself from democratic accountability, to dominate the production of meaning via its ease of access to the media and to utilise extra-judicial measures of disciplinary control where deemed necessary. In the run up to the announcement and in addition to the emergency powers Walker imagined claiming under the proposed bill, he was also in close contact with the National Guard and worked on a plan to deal with the potential of a strike by guards at one of the state prisons. Indeed, it was reported that National Guard officers in plain clothes went as far as to visit prisons to assess the logistics of taking over control in the event of a strike breaking out (Stein and Marley, 2013: 69).

However, the difficulty with this plan was the presumption that the Republicans would be able to move sufficiently quickly as to have the bill passed before the protests and other forms of collective action began, thereby allowing the provisions *within* the bill to be utilised to control protests *against* the bill. Put simply, the intention was to create a situation where people could not protest against the bill because the bill itself made it unlawful. The timetable proposed by Walker was to unveil the bill on 11 Friday February, formally introduce it to the legislature on Monday, 14 February, hear testimony for and against the bill at a Budget Committee meeting on Tuesday, before passing it through both chambers – the Senate and Assembly – by the end of the week, Friday, 18 February. The problem for

the Governor was that any fiscal policy put to a vote had to take place when the state government was quorate, a simple requirement given it merely required elected representatives within state boundaries to be called to the house. However, this was quickly confounded as the Senate Democrats agreed to leave the state on Thursday of that week, depriving the Senate of the quorum needed and beginning what turned out to be a rather lengthy stay over the border in Illinois.

Whether the Senate Democrats would have taken this action without the mass protests that broke out at the start of that week is debatable, but this exodus marked the culmination of a remarkably quick and determined response by trade unionists and community activists. Some of which had been in preparation through formal AFL-CIO channels in the weeks leading up to the bill, whilst other actions resulted directly from the democratic culture inculcated by advocates of the Wisconsin idea. As word spread over the weekend that the bill contained a major attack against the public sector unions, a well-organised exponent of the Wisconsin idea, the Teachers Assistant Association, a union for graduate student employees at the University of Wisconsin, became one of the first to take collective action alongside students protesting anticipated cuts to the University's budget.

The protests on Monday, 14 February 2011 were valentines themed, and the TAA had planned to participate prior to the announcement of the budget repair bill. Their aim was to deliver hundreds of valentines cards to the Governor's office from students and graduate employees, proclaiming their love for the University and opposing any cuts that might be forthcoming. In the event, however, it turned in to a far more raucous and determined opposition rally with close to a thousand protesters entering the Capital Building and

demanding to see the Governor. This initial rally would set the scene for the protests that followed in the coming weeks, but it also heralded something quite different, a level of militancy and creative disruption that confounded the Governor and his team and surprised many political commentators.

The Governor and the Republican majority had been expecting protests and the possibility of strike action, but this was envisaged as happening after the bill had passed and including only public sector workers. They, of course, could be presented as having benefits that were in some ways superior to those in the private sector, and so the Governor had planned a classic divide and rule strategy, playing off one sector of workers against another. However, this plan failed to take account of the preliminary work carried out by the Wisconsin AFL-CIO, which had begun holding meetings amongst labour leaders from public and private sector unions in anticipation of an attack on union rights. Therefore, as the students, TAA protesters and others marched on the Capitol Building, two dozen officials from private and public sector unions were able to hold a joint press conference a short distance away, denouncing the bill and declaring their opposition to it and solidarity with each other. Speed of action, organisation and communication between different sectors of the labour movement were therefore tactically important in heading off this potential line of attack.

The following day, one of the first in line to give evidence to the joint finance committee against the bill was Kaja Rebane, a TAA member and social justice activist who entered the Capitol Building alongside cleaning staff. Thereby securing herself the possibility of providing testimony before the arrival of 'Americans For Prosperity', a Bradley Foundation funded campaign group who were being bussed in to support

the repair bill. The TAA would go on to play an instrumental and highly effective role in these early days of the protests, providing ‘two of the main cogs’ for the occupation that followed:

‘TAA had a war room or control room in the capitol... they took it over and set up shop... they had an internet set up, a media set up, martialling for peace keepers and food for protesters.’ (Kaja Rebane, Madison community and trade union activist (TAA), interviewed 15 April, 2015)

As the crowds at the capitol building swelled and increasing numbers of public sector workers signed up to provide testimony, there was evidence of a further and significant mobilisation against the bill, the presence of public school teachers, some of whom had spontaneously organised a ‘sick out’ phoning in sick to attend the rally in Madison:

I was teaching 4th grade in a public school and the night they dropped the bomb there was a union meeting in our union hall, at nine thirty at night, and we had two hundred teachers turn up. Our union was telling us we couldn’t do anything but our members were saying: “No, we want to call in sick and go to Madison”. So I want to say it came from the union, but it came from the membership, it was organic, people who had never given a rip about politics were pissed off! (Joe Brusky, ‘released’ union official for the Milwaukee Chapter of the Wisconsin Education Association Council (WEAC), interviewed 16 April, 2015)

The hearing of the finance committee continued until 3 a.m. Wednesday morning – 16 February, when Republican members left and it was then continued by Democrats throughout the remainder of the night, allowing protesters to effectively occupy the Capitol Building overnight and establishing a platform for a much longer and more organised occupation. On Wednesday morning, Madison’s superintendent for education

closed the schools in the City and some surrounding areas, as 40% of the 2600 public school teachers in the district phoned in sick to attend the protests. On Thursday, these closures increased as teachers from across the state joined the protests in Madison.

Walker’s plan was to exclude both police officers and fire fighters from the full impacts of the bill and yet both sets of employees rallied to support their public sector colleagues, with fire fighters and on one-occasion police officers taking turns to sleep over in the Capitol Building. Indeed the regular parade of fire fighters with attendant pipe and drum bands became a major feature of the protest over the following days. For the next three weeks with the Senate Democrats exiled outside the state to avoid the bill being passed, the capitol building occupied, and protests involving both public and private sector workers growing exponentially, activists’ description of an ‘uprising’ appeared justified. As Kaja Robane, the activist who sneaked in to give evidence that Tuesday morning puts it:

This was a historic moment and people wanted to have their individual experience of it – there was this collective effervescence thing that happened. The first noon protest there were ten thousand, the next noon protest there were twenty thousand. I remember looking across the crowd and being amazed how quick it had grown, and thinking “oh, maybe we do actually have a chance” and that sense of power built and we started feeling connected and powerful. (Kaja Rebane Madison community and trade union activist (TAA), interviewed 15 April 2015)

Thus it appeared as if the Wisconsin idea had been given a material form beyond that of the plaster bust of ‘Fighting Bob’ La Follette on the first floor of the Capitol Building. The idea had found a means of defending itself, an idea of fairness rooted in the collective good, was being fought for by ‘those of every generation who love

democracy (and) resist with all their might the encroachment of its enemies' (Robert La Follette, in Nicholls, 2011).

The end of the beginning: The recalling of politicians and activism?

Over the next month, there were numerous protests in the capitol including a mass demonstration by over one hundred thousand people, with participants coming from a range of civil society organisations and community groups, representing faith groups, parental organizations, agricultural workers and both public and private sector workers. In a particularly strident demonstration of solidarity from outside of the public sector unions, small farmers organisations formed a tractor blockade which encircled the capitol building, whilst luminaries of the political and cultural left, including Michael Moore, Jesse Jackson, Susan Sarandon and Tom Morello descended on Madison to participate in rallies and give speeches to the assembled crowds. The uprising became a national and international event, with protesters articulating common cause with Egyptian activists in Tahrir Square via placards and twitter feeds, whilst the local pizza restaurant was inundated with orders from across the country and the wider world, with people sending 'solidarity pizza' to those occupying the Capitol building. As Fox news ran ever more extreme denunciations of the occupation, using library footage of protesters clashing with police, albeit in front of palm trees, and therefore evidently not in Wisconsin. Activists responded by arriving in neatly printed palm tree t-shirts, some even carrying inflatable palm trees or on one occasion a palm tree 'liberated' from a green house to be deployed as a satirical symbol of disgust with the right wing news media.

However, despite such creative and determined collective action, and although almost every means available to those opposing the bill was utilised over the next month, on 9 March Senate Republicans managed to propose a revised version of the bill which could pass without the presence of the Democratic Senators. This was signed in to law by Governor Walker on 11 March 2011, almost exactly a month to the day since the first public notification of the bill was made. Although some commentators anticipated this might be the end of the uprising, in many respects it continued to strengthen, but it also began to have its energies channelled towards the aim of mounting a recall campaign. This is an electoral measure that enables the recalling of politicians to face a new election on presentation of a petition signed by twenty five per cent of the electorate that voted in the previous election. Whilst recall is a powerful and comparatively common means of addressing dissatisfaction with elected representatives, many activists felt that whilst this might be inevitable, in that someone was bound to initiate the process, it would also divert energy away from the emergent and grassroots nature of the struggle:

What happened in the arc of this whole thing is that it was extremely grass-roots and it then got immediately choreographed by institutional politics, particularly by the larger unions and the Democratic Party... any militant or radical actions got redirected in to recall politics and party political discourse. (Lane Hall, Overpass Light Brigade, interviewed 16 April 2015)

This is a point that is reiterated powerfully elsewhere (Conatz, 2015) and it speaks to the tension in holding together a coalition of actors whose experiences and chosen repertoires of action are divergent beyond a protest or march through which to illustrate what De Nardo (1985) and Della Porta and

Diani (1999) call ‘the logic of numbers’. As these authors suggest the logic behind such protests ‘is the same as that behind representative democracy’ (Della Porta and Diani, 1999: 174) namely, it suggests that the majority outside the Capitol Building are not being represented by the majority inside. It was therefore inevitable that given the option to recall the Governor and to prove this ‘logic’, those whose framework of reference was institutional politics would pursue such an option.

The dilemma in Wisconsin however was that the repertoires of collective action deployed, had from the beginning, involved more militant and creative tactics, including occupations, and wildcat strikes and the ‘collective effervescence’ this produced would inevitably be curtailed as the tactics turned back towards the familiar strategy of petitioning for an election. Alternatively, an unsuccessful attempt at a recall motion could diminish the numerical logic for change and might well have irrevocably split the movement, diminishing the capacity for mobilisation established through the networks of opposition that had emerged. The desire to avoid such a split was a significant motivating factor given the breadth of support for the uprising and despite vocal criticisms of the recall strategy the resulting effort by activists across all groups demonstrated a significant commitment to maintaining unity amidst diversity.

The recall motion required a huge investment of energy by the activists concerned, as they returned to their own localities to raise the petition required, but it also provided an organised platform for the continuation of the struggle and further potential for tactical innovation. Indeed, one of the most notable outcomes was a new protest repertoire, the tactic of ‘light brigading’, the use of illuminated signs held by activists on various overpasses during the long dark nights of the

Wisconsin winter. This technique was invented and pioneered by members of what latterly became the ‘Overpass Light Brigade’ who consider their activities as establishing a ‘people’s bandwidth’ and it has since been adopted by ‘light brigade’ chapters across the US and internationally. The effort for the recall across civil society organisations in the State demonstrated the depth of the uprising and after a mere thirty days the mobilisation for the recall motion collected nine hundred thousand signatures. This was roughly 23% of the eligible electorate and the equivalent of 46% of those that had voted in the previous election. In total, approximately four hundred thousand more than was required to trigger the election. Although Walker narrowly won the Gubernatorial recall election, there were a further four senate recall elections, the outcome of which led to the Democrats gaining control of the Wisconsin Senate. Walker was also subsequently alleged to have been at the centre of a plan to illegally coordinate fundraising efforts with a number of outside conservative groups to help him in the recall election and if proven, this would mean he had bypassed state election laws, an allegation that remains a live issue and is presently before the US Supreme Court.

What’s fair?

If the ‘common demand’ of the protesters as claimed by the Mayor of Madison was ‘fairness’ and this amounted to a defence of collective bargaining and opposition to cuts to education and public services, then it was a correspondingly opposed account of ‘fairness’ that was also claimed to be at the heart of Scott Walker’s assault on the status of public sector unions, most notably on the idea of compulsory membership of a trade union as a condition of employment, the so called ‘union’ or ‘closed’ shop. In the UK legislation designed to restrict closed

shops began with the 1980 Employment Act and the pre-entry closed shop was made unlawful ten years later under the 1990 Employment Act. However, in the US where union negotiated contracts, sometimes called security agreements, have often been regarded as a bulwark for employers against strike action, it remains a requirement of some workplaces that employees join a union on taking up employment. Alternatively, employees can make a 'fair share' payment to the union to cover the costs of collective bargaining conducted by the union, as the recognised representative of the workers and from which they are likely to be a beneficiary.

The argument for such fair share payments is founded in a classical argument from rational choice theory, namely the 'free-rider' paradox. Olson (1968) attempted to explain why a rational egoistic person would participate in collective action, when they might benefit from such action irrespective of their participation. Putting to one side the inherently problematic category of the 'rational', a classic formulation of this problem for rational choice theory is the example of union membership. Why would a rational person entering a workplace join a union when wage increases and improvements to working conditions negotiated by the union would be received by all the workers, unionised or not? The somewhat conservative argument of the trade unions is that in delivering contracts that are mutually beneficial for employers (no strike arrangements), and employees (better pay and conditions), they incur costs that are covered by union dues and that those who are not paying such dues should consequently pay their 'fair share'. It is the compulsory aspect of such payments that Walker highlighted as a threat to individual freedom and as workers being coerced in to paying union dues, some of which would be channelled to support Democrat politicians. Walker thereby

framed the terms of the conflict as his opposition to politically motivated workplace organizing, proposing instead the 'right to work'.

Olson (1968) responds to the 'free rider' paradox by formulating a 'logic of collective action', which argues that actors engage in collective action when there are selective benefits to be gained from such participation. He distinguishes between collective and selective benefits, and argues that where a collective actor is sufficiently large that a benefit will accrue to those outside its membership regardless of their actions, the rational individual is indeed unlikely to participate. However, selective benefits that are contingent upon participation could also explain processes of mobilisation, because they allow an individual to rationalise collective action in terms of individual gain. In the example of union membership, these benefits can include acceptance by fellow workers, combined with an acknowledgement of the self-interest in the union's maintaining its bargaining position, or because of certain tangible selective benefits such as those now being offered by unions, including legal assistance, professional development education, or certification for teaching staff, etc. The obvious problem with Olson's thesis is its tendency to express motivation in purely instrumental terms, and it has been criticised on these grounds (Hirschmann, 1982). However, the implementation of the budget repair bill, otherwise known as Act 10 has forced many unions to address some of the self-interest motivations that Olsen highlights, as one union organiser puts it:

If there is a silver lining in Act 10, we have had to really build value in our members for why they have to join a union, because now it's a decision they can make. As a union we have had to switch from a contract model to actually organizing our members... so now we have to educate our members about why they have to be

in a union. 69% of our members have signed up. (Joe Brusky, union official for the Milwaukee Chapter of the Wisconsin Education Association Council (WEAC), interviewed 16 April 2015)

Whilst Act 10 has inevitably and severely impacted trade union membership across the public sector, its presentation by Republicans as an unmitigated victory for freedom of choice is questionable. Their argument was that many union members were coerced into membership and that this was unfair to those who wanted to retain their full earnings and not pay union dues or fair share payments. In the context of a neoliberal austerity plan where health and pension contributions for workers would also be increased, Walker's expectation was that the opportunity to off-set some of these increases by avoiding union dues would be an overwhelmingly tempting proposition. After all what good is a union defeated, a union without recognition or the power to bargain collectively? Putting these questions to trade unionists, community activists and others elicited some interesting responses:

We may have lost our collective bargaining *but we haven't lost collective action*, and collective action is how we win things, we can as a group of teachers still do things collectively and still win those same fights... we've been successful and we've won victories. (Joe Brusky, union official for the Milwaukee Chapter of the Wisconsin Education Association Council (WEAC), interviewed 16 April 2015)

So I agree a political scientist would see it as a defeat, they would look at the political efficacy, the historian, however, would say "Yes, but history's not over." We can see it in the socio-poetic configurations, we see it all the time, if we have a Black Lives Matter rally or an education rally, a lot of the people active and organising are people we know from the uprising. The

uprising feels ongoing, these feel like new manifestations of the ruptures, but I see them as very much part of the same thing. (Lane Hall, Overpass Light Brigade, interviewed 16 April 2015)

Conclusion: Fighting the 'fairness' of austerity – The rise of social unionism

'The daily, months-long cooperation between the Madison and state police, firefighters, teachers, construction workers, students and homeless people far surpasses the momentary links between "Teamsters and Turtles" at the WTO protests in Seattle in 1999.' (Hayden, 2011)

Tom Hayden's argument that what happened in Wisconsin was at least, if not more important, than the mass mobilisation against the WTO in 1999 is an interesting one. The movement that was building before the WTO protests and the movement those protests helped to shape, reconfigured links between organised labour and environmentalists, it helped stall the WTO negotiating process and empowered some of the smaller countries in their negotiations by providing them with allies in the street (Chesters and Welsh, 2006).

If the uprising in Wisconsin is to be judged to have an equivalent impact, then it will be because of the example of social unionism it provides, and because of the learning that emerges regarding opposition to austerity narratives and the mobilising potential of socio-political affects. By this, I mean recognition that the affective dimension of politics, here elaborated through a folk memory of the Wisconsin idea and the tradition of progressivism, can provide a real impetus towards sustained resistance. Intuitions of fairness, shared feelings of injustice, informal solidarities, friendships and common cultural experiences can be as important in mobilising people as specific opposition to particular policies or legislation, and

maintaining and developing capacity for mobilisation can only be sustained in this way:

'It's hard to think of the movement as a failure, when before there's a group of people who were just so apolitical and then after it there's this huge network of people who are now active.' (Joe Brusky, union official for the Milwaukee Chapter of the Wisconsin Education Association Council (WEAC), interviewed 16 April, 2015)

'Friendship too, the personal richness of radically expanding my social circle to this massively diverse group, personally this has been hugely rewarding, and that's hard to quantify.' (Lane Hall, Overpass Light Brigade, interviewed 16 April, 2015)

The mobilising potential of affective relationships for social movements has long been recognised (Jasper, 1997), and the capacity of these affects to shape patterns of cognition, build networks and sustain emergent and dynamic movements has also been described in some detail elsewhere (Chesters and Welsh, 2006; Protevi, 2009). The dilemma arises when we consider what framing strategy might multiply the power of these socio-political affects and how the relationship between the different organisational cultures of political parties, trade unions and social movements shape how opposition to austerity narratives can be framed.

In considering the concept of 'fairness', it is important to be aware of its mutability as a frame. This is a concept that has an intuitive appeal and might appear to offer leverage against the framing of austerity, particularly given the disproportionate impacts of austerity measures upon the poorest and most disadvantaged. Yet, politically, 'fairness', as is demonstrated in the Wisconsin experience, is an empty signifier, and one that can be invested with meaning from the left and right. Scott Walker began his campaign for Governor with his own 'brown bag

movement' encouraging voters to pack their own lunch in order to 'afford Wisconsin taxes'. He also made much of holding on to his ageing car, a '1998 Saturn with more than one hundred thousand miles on it', as well as taking a voluntary pay cut as a Milwaukee County Executive, all of which he suggested were actions intended to keep government spending down (Stein and Marley, 2013: 22). Whilst these things might be considered trivial, and his opposition certainly treated them as such, they invoke a narrative of sacrifice that enables the idea of fairness to subsequently be employed against those defending what are perceived to be established interests. The narrative becomes 'we've all made sacrifices, so it's only fair that those in the public sector should do so too'. In the UK the equivalent narrative of recent Conservative and coalition governments has been 'we're all in it together', an idea which was ridiculed for being espoused by Eton educated millionaires, and yet the idea of fairness underpinning a common purpose and that purpose requiring cuts to social expenditure has indeed gained traction.

Analysis of frame 'alignment' – the ability of political actors to align the views of a wider public with their own – provides us with a means for understanding the cognitive work movements do in elaborating symbolic appeals that can mobilise sections of a population. Often this can occur through reference to a shared cultural heritage or other commonality such as a history of progressivism or the more ambiguous concept of the Wisconsin idea. As Della Porta and Diani (1999: 75) have argued, frame alignment 'presupposes a dynamic relationship between the development of a movement and the cultural heritage of both the country in which it operates, and of its institutions'. Therefore, in conducting frame analysis we engage in a means of interrogating the processes by which a movement accesses cultural resources and attempts to produce interpretations that resonate with a broader constituency.

I would argue therefore that the claim by Madison Mayor Paul Soglin that the common concern underlying the Wisconsin wave of protest was ‘fairness’ only tells a small part of the story. As Tom Hayden argues, ‘fairness’ can substitute for concerns about collective bargaining it can also indicate dissatisfaction with corporate influence in politics and with the austerity agenda of cuts to education and public services. However, the concept of fairness is also hostage to the structural and situational context in which such judgments are made, and by using it as a tool for mobilisation movements can inadvertently accept limitations upon their capacity to mount a structural critique. If austerity is *the* context within which the determination of fair outcomes is to be made, movements might well find themselves embroiled in the discussion of individual choice and personal sacrifice, alongside a set of moral presumptions and judgments that can undermine solidarity. The strength of the Wisconsin protests then was the ability of those involved to re-frame it as an ‘uprising’. As Lane Hall, an activist with the Overpass Light Brigade puts it: ‘using the word uprising is a way that the grassroots have of reclaiming the energy of that moment, that space, *it wasn’t the great recall campaign*’ (interviewed 16 April 2015).

Uprisings are not the *raison d’être* of trade unions, nor of political parties, but as the prevailing political opportunity structure, fashioned by neoliberalism, reduces the traditional repertoires of trade union pressure, then the evolution of social movement unionism seems inevitable. In the UK we have already seen the Unite union recommending to members that the words “so far as may be lawful” are removed from the rules governing the union’s actions, given the proposal of the government to raise the bar for strike actions above a simple majority of those voting. In Wisconsin whilst union membership has dropped in the public sector, there is

evidence of strategic innovation including teaching unions funding the ‘release’ of democratically elected teachers from classroom duties in order to conduct union activities, and with it the rise of a significantly more grassroots and engaged cadre of union activists. As one released member, Joe Brusky, put it to me: ‘before the uprising we might get thirty to forty members at an action, now we get three or four hundred who consistently come out.’ As in much analysis of social movements, the time frame in which that analysis takes place is often a decisive factor in determining judgments about its success or failure. In this instance, it would appear many have accepted that ‘fairness’ is unlikely to be a guiding factor in interactions between civil society and the state government, and as such a turn towards long-term resistance has taken hold, as Joe Brusky asserts:

Political wins are one thing, but this year we’re beginning to see the fruits of those early movements, Black Lives Matter combining with the Fight for 15, and immigration rights people holding firm to that movement as well, we’re seeing a lot of these movements converging. There’s no way you can have such a mass movement and not see things coming from it. *We’ve just been looking at too short a timetable before now...* (Joe Brusky, union official for the Milwaukee Chapter of the Wisconsin Education Association Council (WEAC), interviewed 16 April 2015)

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