Win-Win or Sacrifice? 
On the rationality of international labour solidarity 
The case of German trade unions' relationships with undocumented migrant workers

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Topic

- Concepts in labour praxis:
  How is solidarity rationalized by activists?
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- Concepts in labour praxis:
  - How is solidarity rationalized by activists?
  - Does such rationality produce coherent account for collective action?
  - Prospects for trade union solidarity with undocumented migrant workers in Germany
Thesis

- Two ideal types:
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  Solidarity as a win-win proposition
Thesis

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  - Solidarity as a win-win proposition
  - Solidarity as a moral obligation
Thesis

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  - Solidarity as a win-win proposition
  - Solidarity as a moral obligation

- Both raise serious challenges for thinking about labour solidarity with undocumented migrant workers in Germany.
Presentation

- (1) Trade unions and undocumented migrant workers: Transnational solidarity?
- (2) Activist debates: Basis of solidarity?
- (3) Theory: Rationalities of solidarity
- (4) Conclusion: Re-conceptualization?
(1) International solidarity

- Relationship between trade unions and undocumented migrant workers: Is it transnational?
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- Relationship between „documented“ and „undocumented“ workers is mediated by nation-states (citizenship)
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- Relationship between trade unions and undocumented migrant workers: Is it transnational?

- Relationship between „documented“ and „undocumented“ workers is mediated by nation-states (citizenship)

- International uneven development as a backdrop of (undocumented) migration
(2) Activist debates:

- What is the basis of solidarity?
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- Two fundamental positions:
  1. Solidarity for mutual benefit
  2. Solidarity as a moral duty
(2) **Activist debates:**

- For example:
  
  Trade union membership dues

  Should exceptions be made for undocumented migrant workers understanding that they face particularly precarious conditions?
(2) Activist debates:

- Solidarity as mutual benefit:

“In our view, trade unions amount to the self-organization of workers. We are no charity, we are no church, we are no social service. We don't receive any money from the state or the church. We exist based on the membership fees and there is no other money. That's the basis for why it is necessary to pay membership dues in a trade union, because otherwise we wouldn't exist. We don't want members in a trade union, that we only support. We want those who become politically active with us and who engage for the rights of all workers and not just their own. Thus, this is the principle of solidarity.” (Statement by participant at public discussion in Munich, Nov 30 2012)
Solidarity as moral obligation:

“I don't agree with such a liberal notion of solidarity, with such a conditional idea of solidarity, that implies that there is solidarity when someone pays his membership fees. But I think that there is a larger plurality of life circumstances and that it is necessary to recognize that solidarity needs to be unconditional. That there are plenty of situations in which someone cannot pay membership dues, not engage in a union or see that big picture. It is necessary that one can afford political engagement.” (Statement by participant at public discussion in Munich, Nov 30 2012)
(2) Activist debates:

Solidarity for mutual benefit  Solidarity as moral duty
(2) **Activist debates:**

- Solidarity for mutual benefit
- Emphasis on equality
- Commonality: Workers and Members

- Solidarity as moral duty
- Emphasis on inequality
- Difference: Discrimination
(2) *Activist debates:*

Solidarity for mutual benefit

Emphasis on equality

Commonality: Workers and Members

Foundation: Trade union bylaws

Solidarity as moral duty

Emphasis on inequality

Difference: Discrimination

Transnational justice
(2) Activist debates:

Solidarity for mutual benefit
Solidarity as moral duty

Emphasis on equality
Emphasis on inequality

Commonality: Workers and Members
Difference: Discrimination

Foundation: Trade union bylaws
Transnational justice

Common rights and responsibilities
Privileges obligate, exceptions warranted
(3) Rationalities of solidarity

- What is the basis of solidarity?
(3) Rationalities of solidarity

- What is the basis of solidarity?
  Two main theoretical frameworks (Cohen/Arato 1992)
  1. Instrumental rationality
  2. Moral rationality
(3) Rationalities of solidarity

- Instrumental rationality

  Decide course of action based on means-end calculations
(3) Rationalities of solidarity

Instrumental interests in trade union collaboration with undocumented migrant workers?
(3) Rationalities of solidarity

Instrumental interests in trade union collaboration with undocumented migrant workers?

Yes, protect labour standards (such as wages)!
(3) Rationalities of solidarity

Theoretical challenges:

- Free rider problem (Olson 1965)
(3) Rationalities of solidarity

- Free rider problem:

“Though all of the members of the group (...) have a common interest in obtaining this collective benefit, they have no common interest in paying the cost of providing that collective good. Each would prefer that the others pay the entire cost, and ordinarily would get any benefit provided whether he had borne part of the cost or not.” (Olson 2002:21)
(3) Rationalities of solidarity

Thus:

Although actors have an interest in workers solidarity,

they don't necessarily have an interest to act in solidarity
(3) Rationalities of solidarity

Commons as solution?

Elinor Ostrom (1990) conceives of commons as institutions that have developed mechanisms to prevent free riding.
(3) Rationalities of solidarity

Trade unions as commons?

Trade unions have developed institutional mechanisms for collective decision-making, to incentivize individual workers to become members (legal representation, minimum wage regulations etc.), to regulate members‘ relationships, etc.
Problem:

Undocumented workers are (mostly) not part of the existing "trade union commons"
(3) Rationalities of solidarity

Challenge: Redraw boundaries of trade union commons to include undocumented migrants
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- „MigrAr“ (Migration & Arbeit) trade union centres for undocumented migrant workers
  (Hamburg, Berlin, Munich, Frankfurt, Cologne...).
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- European Migrant Workers Union (for construction workers)
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**The problem:** (potentially) costly efforts for trade unions
(3) Rationalities of solidarity

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The problem:  
- (potentially) costly efforts for trade unions
- no substantial financial and organizational support
(3) Rationalities of solidarity

- Moral rationality

Decide course of action based on inherent norms and values actualized in the action
(3) Rationalities of solidarity

- Moral rationality

Moral interests in trade union collaboration with undocumented migrant workers?
(3) Rationalities of solidarity

- Moral rationality

  Moral interests in trade union collaboration with undocumented migrant workers?

  Yes, support most vulnerable workers!
(3) Rationalities of solidarity

- Moral rationality

Challenge

Social differentiation & individualization
(3) Rationalities of solidarity

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Social differentiation & individualization
Moments and catalysts:

*Functional*: increasingly complex division of labour
(3) Rationalities of solidarity

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*Functional*: increasingly complex division of labour

*Cultural*: increasing diversity of lifestyles & cultural practices, religion, migratory experiences
(3) **Rationalities of solidarity**

**Social differentiation & individualization**

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*Functional*: increasingly complex division of labour

*Cultural*: increasing diversity of lifestyles & cultural practices, religion, migratory experiences

*Economic*: differentiation of employment and reproductive conditions
(3) Rationalities of solidarity

Social differentiation & individualization
Moments and catalysts:

*Functional*: increasingly complex division of labour

*Cultural*: increasing diversity of lifestyles & cultural practices, religion, racialization, migratory experiences

*Economic*: differentiation of employment and reproductive conditions

*Political*: increasing diversity of citizenship status
(3) Rationalities of solidarity

Social differentiation and moral foundations

„[B]ecause of socio-economic and ecological changes (...) the old basic value of „social justice“ – similar to the notion of solidarity – needs to be filled with new content and meaning, if trade unions and their values want to be prepared for the future.“ (Fichter et al. 2004:60)
(3) Rationalities of solidarity

Proposal: Trade unions as „discourse-organizations“
(3) Rationalities of solidarity

Proposal: Trade unions as „discourse-organizations“ to foster “plural solidarity“:
(3) Rationalities of solidarity

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But: What are the rules and processes for discourse?

Paradox of discourse ethics:
Moral foundations of discourse cannot be discursively legitimized.
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Moral foundations of discourse cannot be discursively legitimized.

Many contestations around discursive foundations in contexts of discrimination
(3) Rationalities of solidarity

- Trade union morality for collaboration with undocumented migrant workers?
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Positive evidence
(3) **Rationalities of solidarity**

- Trade union morality for collaboration with undocumented migrant workers?

**Positive evidence**

- Increasing recognition of organizing approach:
  - Diversity of circumstances
  - Strength in numbers
(3) Rationalities of solidarity

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  Growing recognition of “undocumented” workers as potential colleagues
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Positive evidence

- Increasing recognition of organizing approach:
  - Diversity of circumstances
  - Strength in numbers
- Growing recognition of “undocumented” workers as potential colleagues
- Institutionalization of MigrAr and EUMW
(3) Rationalities of solidarity

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Negative evidence
(3) Rationalities of solidarity

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**Negative evidence**

Lack of funding and organizational support for these initiatives to operate
(3) Rationalities of solidarity

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Lack of funding and organizational support for these initiatives to operate

Lack of political engagement of trade unions in support of undocumented workers (against denunciation paragraph §87 AufenthG, for regularization, etc.)
(3) Rationalities of solidarity

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Lack of political engagement of trade unions in support of undocumented workers (against denunciation paragraph §87 AufenthG, for regularization, etc.)

Significance of national-chauvinistic arguments within trade union policy (mobility restrictions for EU 7 and EU 2)
(3) Rationalities of solidarity

- Trade union morality for collaboration with undocumented migrant workers?

**Negative evidence**

- Lack of funding and organizational support for these initiatives to operate
- Lack of political engagement of trade unions in support of undocumented workers (against denunciation paragraph §87 AufenthG, for regularization, etc.)
- Significance of national-chauvinistic arguments within trade union policy (mobility restrictions for EU 7 and EU 2)... and membership
(4) Conclusion

- Conceiving of trade union solidarity with undocumented migrant workers based on accounts of instrumental and moral rationality points to significant challenges:
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- Instrumental rationality:
  How to institutionalize a trade union commons between documented and undocumented workers?
(4) Conclusion

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  - Instrumental rationality:
    How to institutionalize a trade union commons between documented and undocumented workers?
  
  - Moral rationality:
    How to foster a morality of collaboration in the face of counterveiling trends (differentiation, commodification, bureaucratization, scarcity...
(4) Conclusion

- Can we conceive of rationality alternatively in order to:
(4) Conclusion

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  1. theoretically account for solidarity
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- Can we conceive of rationality alternatively in order to:
  1. theoretically account for solidarity
  2. serve as practical orientation that fosters it
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???
Thank you for your attention!

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