

Political Struggle in Search of Strategy

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ABSTRACT This piece discusses the author's experiences in the Occupy protests at the University of California, Berkeley, in 2011 and the initial travel-ban litigation in 2017. It contrasts the different roles law and violence played in each and reflects on the significance of mass mobilizations for achieving the goals of political movements. The piece also situates these two experiences in the broader context of post-financial-crisis left politics; the conclusion builds on Stuart Hall's reflections on Thatcherism and highlights the need for strategic thinking to link disparate struggles in unified opposition to neoliberalism.

KEYWORDS Occupy, travel ban, law, protest, left politics

By framework, we mean a perspective on what is happening to society now, a vision of the future, a capacity to articulate these vividly through a few clearly enunciated themes or principles, a new conception of politics. In short, a political strategy.

—Stuart Hall, "Learning from Thatcherism"

In the fall of 2011, students, faculty, and staff at the University of California at Berkeley cast their protest against privatization in the language of the newly insurgent Occupy Movement. As a fresh graduate student in Berkeley's Rhetoric Department, I enthusiastically—if also critically—embraced the protests as part of my ongoing work with the graduate student union. In response to a rumored tuition increase of nearly 80 percent, students organized an Occupy encampment on the steps and lawn of Sproul Hall—the famous birthplace of the 1960s "Free Speech Movement." The university administration responded swiftly, deploying campus police to seize the tents and stage their own occupation of the space. In an initial struggle, the police lost a contest with a few hundred protestors: students were badly beaten by batons—with some hospitalized—but the protestors managed to save a few tents from the officers' reach. Later that evening, however, the university mounted

a counter-offensive, this time buttressed by nearly a hundred new recruits from neighboring municipalities. Aided by the extensive use of pepper spray, the officers managed to tear through the lines of students linking arms. Dozens of students were arrested, the encampment was destroyed, and judicial orders to “stay away” from the Berkeley campus were issued against activists. Although I’d been lucky that the police elected not to arrest me, my knee had been injured and two of my fingers broken by batons. I spent the next week organizing on crutches: moving from one group to another, helping to convey the story to the press, making phone calls to faculty and union allies, and coordinating with other indefatigable comrades.

A week later, our response proved overwhelming: a general assembly, which the *Atlantic* estimated at four thousand strong, flooded Sproul Plaza.¹ Faculty joined students in a daylong “general strike” that shut down the campus. In the lead-up to the assembly, artists produced massive installations on the free-speech steps, and graduate students assembled desks, bookshelves, chairs, and mobile chalkboards to forge a new “Open University.” Bands played throughout the day of assembly, while instructors taught their classes in the Open University space. Later, in the evening hours, Occupy Oakland marched the few miles down Telegraph Avenue to join one of the largest Occupy assemblies seen at the time.

In small, diverse groups, the general assembly discussed and voted on demands in support of investment in public education, the end of police brutality, combating systematic racism, and the dismantling of social and economic inequality. I cofacilitated the massive assembly with an undergraduate comrade; I still remember us looking out at the crowd of thousands, shocked and impressed by what the community had been able to accomplish in such a short time. Mario Savio’s widow addressed the crowd after the assembly’s vote and linked our struggle to her late husband’s fight during the Free Speech Movement. When the dust settled, a new encampment rested in the space of the Open University. For the weeks it stood, it served as forum for the gathering of a new student-led general assembly.

Six years later, in the early part of 2017, I found myself in a radically different environment engaged in another struggle for justice. That week, the recently inaugurated president released an executive order making good on his campaign promise to institute “a total and complete shutdown of Muslims entering the United States.”² The executive order went into effect Friday evening, and late that night the faculty director of my clinic at Yale Law School wrote a message to his students: clients of the International Refugee Assistance Project—an organization run by an alumnus of the clinic, Rebecca Heller—had arrived at JFK Airport and been detained. Organization leaders, clinic faculty, and students rallied quickly to a conference call and adopted a simple but radical plan: to file a habeas petition and class action lawsuit challenging the constitutionality of the executive order and

demanding the release of those detained. After a series of coordinated phone calls, emails, and swift divisions into teams, we worked through the night on a complaint and class certification motion. By the early hours of the morning, we had sued the president.

That Saturday, a small army of students descended into the clinic basement—researching, writing, and preparing to submit a brief in support of our case. By evening, we had managed to file the brief and schedule an emergency hearing before a judge. While attorneys from the ACLU appeared in court to argue the case, colleagues and I began preparing for an appeal to the Second Circuit Court of Appeals should our efforts in district court fail. To our collective shock, we prevailed. The district court issued a nationwide injunction demanding the release of all those detained by the executive order. After savoring a brief moment of euphoria, the law students began disseminating the court's orders to airports across the country. We made hundreds of phone calls to Customs and Border Protection, wrote templates for individual habeas petitions, and created an email account to reach the hundreds of individuals detained and their families.

In the blaze of action, we did not notice the incredible mass public mobilization occurring at airports across the country. After the court's decision had been issued, a colleague telephoned one of our clinic supervisors to let her know that a massive crowd had surrounded the courthouse and erupted into song. The news of mass gatherings provided us strength, even as it also reminded me of the distance between us and the emergent social movement our work supported. "Someone has to be working tirelessly on a brief in a basement so others can sing 'This Land Is Our Land' on the courthouse steps," a faculty member opined as we buckled down to enforce the hard-won injunction. In the weeks that followed, dozens of students worked on the case, preparing court filings, taking declarations, writing motions, and attending court hearings. Although the case eventually settled (it focused on those held in detention in airports), numerous new lawsuits challenging the constitutionality of the president's travel bans proliferated until the Supreme Court finally upheld a revised version of the discriminatory policy.

Upon initial reflection, these two moments—Occupy and the travel-ban fight—feel radically disparate. One involved direct physical confrontation with police authority and civil disobedience, while the other centered on a court case demanding the enforcement of constitutional law. The Berkeley experience was marked by crowds, assemblies, demonstrations, and public declarations, the travel-ban experience by strategic and precise coordination, detailed citation of case law, and meticulous presentation of a documentary record. Although the airport protests—which, in all likelihood, proved necessary for the litigation's early success—may have exemplified a form of spontaneous mass mobilization, my own role in this struggle occupied an affective and aesthetic space radically different from my

experience in Occupy. The travel-ban litigation revealed how law, under certain conditions, can function as a powerful tool to blunt executive power. The Occupy protests, by contrast, revealed law's role as an instrument of state oppression. Yet, despite myriad differences, the two instances of activist engagement each achieved their immediate goals: the UC Regents canceled their vote to increase tuition rates and the detainees were released.

This brief comment is not the space to offer a comparative theoretical reflection on the two experiences, critiquing their contrasting strategies, normative assumptions, and political valences. In lieu of such an analysis, I offer here a few tentative thoughts on how these experiences have shaped my political thinking. As someone committed to collective struggles to bring about a more humane and egalitarian world, these experiences felt like rare moments of victory in the struggle against incredibly potent forces. Neither, however, felt like a moment of “revolutionary” political struggle—this was not the “messianic” rupture of the “now-time” Walter Benjamin hoped would rescue the sins of past generations for new futures.³ Rather, each struggle felt like a concrete refusal to allow particular debris to be added to the pile at the Angel of History's feet. There is, for me at least, something worth celebrating even in small victories.

Today, left political forces are reassessing their prospects after the decade of revolts that followed in the wake of the 2008 global financial crisis. In early post-crisis years, Occupy, the Arab Spring, and anti-austerity movements gave some renewed hope that radical, totalizing revolutionary change might once again—finally—be on the cusp of arrival. The subsequent rise of far-right political forces offered a counterpoint to this optimism. For some of on the left, however, the twentieth-century lessons about the limits and dangers of the paradigm of revolutionary political change led to a different framing of these recent historical events: on the one hand, the post-Cold War emphasis on a left politics of pluralism, antagonism, and local struggles offers an important and necessary lesson about how to approach questions of solidarity and radical political transformation. On the other hand, however, the consolidation of corporate power, exacerbation of material inequality, and rise of a new far right reminds us that diverse struggles must find ways to build larger alliances and articulate meaningful challenges to dominant structures of power. In a world newly gripped by crises on a global scale—exploding pandemics, accelerating climate change, and looming financial collapse—the need for new strategies and coalitions proves all the more imperative.

Reflecting on the challenge of Thatcherism and its “populist” appeal for the British left, Stuart Hall once called for a creative production of “political strategy” to combat new market fundamentalisms: “‘strategic’ [thinking] is thinking in a sustained, interconnected way—right to that painful point where one policy cross-cuts another.”⁴ Hall further cautioned that “contestation, however is not enough,

because by itself it is too negative. . . . To develop this more positive perspective means thematizing . . . crisis in terms of wider ideological debate.”²⁵ For me, both the Berkeley protests and the travel-ban litigation exemplify instances of contestation that call out for thematization in terms of a “wider ideological debate.” Although ephemeral moments of victory may sustain activists through trying times, it seems to me that our historical conjuncture now calls for a new reflection on left struggles. Difficult as it may be, we must articulate linkages across different forms of political struggle to build new and enduring alliances that frame diverse claims in the context of a broader critique, one focused on existing institutions of domination and exploitation. We must invent ways to articulate commonalities across different struggles without reducing those struggles to mere instrumentalities. At the same time, we must find ways to build from these distinct experiences a genuine ideological rival to neoliberalism and its mutant progeny—an alternative articulation of deep notions of freedom, identity, and equality that speaks to the desires of political subjects today. Moments of solidarity and collective action like Occupy and the travel-ban protests provide opportunities and risks for developing new political coalitions and ideologies; it remains uncertain, however, whether we will find ways to build from these kinds of opportunities a new collective front for political transformation.

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Notes

1. Dupuy, “Occupy Cal.”
2. Taylor, “Trump Calls.”
3. Benjamin, “Theses.”
4. Hall, “Learning,” 277.
5. Hall, “Learning,” 278.

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