

# Professionalism and Unionism: Academic Freedom, Collective Bargaining, and the American Association of University Professors<sup>1</sup>

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## Abstract

The relationship between professionalism and union organizing has been a concern of the AAUP from its inception. Although the organization's founders eschewed unionism, they remained concerned about the status of the profession. Interest in unionism did not become a significant force until the mid-1960s, when the AAUP was compelled to respond both to intensified discontent among faculty with their economic status and to increasingly vigorous organizing by union rivals. By 1972 the AAUP was ready to endorse collective bargaining as an "effective instrument for achieving"<sup>2</sup> its traditional goals and to trumpet the Association's unique qualifications to shape bargaining consistent with standards of academic freedom and shared governance. Nonetheless, tensions persisted between unionism and the AAUP's traditional work in support of academic freedom. This article argues that it is incorrect to oppose professionalism to unionism and that the tension between the two, while perhaps inevitable, can be constructive.

Almost from its inception, the AAUP has been frequently referred to as a union. The *New York Times*, for example, titled a scathingly hostile editorial greeting the Association's formation "The Professors' Union." Although the Association's first president, John Dewey, was a proud member of the American Federation of Teachers, the AAUP's founders went to great lengths to reject the union label. At the third annual meeting in 1917, president Frank Thilly argued that the AAUP's growth could be attributed to convincing faculty

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members that the group would refrain from union tactics. One member's letter, published in the *AAUP Bulletin* seemed to validate that view, declaring it

unfortunate that we should have become identified in the public mind with a movement whose immediate concern is with the fortunes of the professors. It goes all right in a jocular way to be spoken of as a labor union, but an impression of this kind could do great damage to us if it becomes more than a joke. I fear that it has already reached that stage.<sup>3</sup>

As Walter Metzger has written, "There was a deep aversion among academic men to entering into an organization whose purpose smacked of trade unionism." Writing in the early 1920s, Upton Sinclair was more caustic: "The first aim of the Association has apparently been to distinguish itself from labor unions," he wrote, "whereas the fact is that it is nothing but a labor union, an organization of intellectual proletarians, who have nothing but their brain-power to sell." If it was such a union, however, it was not, as Metzger noted, "'one big union for all,' but a union of the aristocrats of academic labor."<sup>4</sup>

The AAUP's early leaders saw their organization less as a defender of its members or even of the interests of the professoriate as a whole and more as a custodian of "higher education's contribution to the common good," a goal that remains an important element of the Association's mission to this day.<sup>5</sup> However, as Hans-Joerg Tiede has demonstrated, the AAUP's initial focus on the defense of academic freedom was "set by events rather than by design and not without dissent." The "broader goal was to further the professionalization of the professoriate."<sup>6</sup>

Actually, in pursuit of professional ends the AAUP was from the start not wholly reluctant to address the "bread and butter" issues of salary, pensions, and working conditions that regularly concern trade unions. The 1915 *Declaration of Principles on Academic Freedom and Academic Tenure* acknowledged that one of the "ends to be accomplished" by means of tenure was "to render the profession more attractive to men of high ability and strong personality by insuring the dignity, the independence, and the *reasonable security* [emphasis added] of tenure. . . ."<sup>7</sup> More practically, one of the Association's earliest efforts involved negotiations with the Carnegie Foundation over the fate of the foundation's pension fund for teachers at select colleges and universities, which led eventually to the formation of what is now TIAA-CREF.

In such efforts, as in its defense of academic freedom, what distinguished the AAUP's approach from that of most unions was its aversion to agreements with individual institutions and its preference for establishing professional standards and persuading other national organizations and individual institutions to adhere to them. While the Association considered faculty "the appointees, but not in any proper sense the employees," of university trustees, it also recognized that, unlike doctors and lawyers, faculty are not independent professionals and were indeed employees, albeit of a special kind.<sup>8</sup>

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During the Association's first few decades, this approach was not without foundation, especially when contrasted with the failures of union organizing. The American Federation of Teachers, founded just one year after the AAUP, began organizing university faculty with the establishment of the Howard University Teachers Union in 1918. But that local disbanded in 1920. In 1919, the AFT established a local at the University of Illinois, but it too soon collapsed. Similar stories can be told of early AFT and independent union efforts in New York and at a series of normal schools in the Midwest, Montana, and the Dakotas.<sup>9</sup>

According to Timothy Reese Cain, "AAUP leaders did not take the AFT lightly." In 1919, President Arthur Lovejoy, a longtime opponent of unionization, devoted a major portion of his presidential address to arguing against union membership. He was, however, challenged by members of the AAUP who also belonged to the Missouri University Teachers' Union, a short-lived AFT affiliate. Lovejoy argued that were AAUP members to join unions this would divide the professoriate and lessen its influence. The Missouri members responded that labor affiliation could achieve the opposite. The discussion continued later that year when Lovejoy and others participated in a symposium on faculty unionization on the pages of *Educational Review*.<sup>10</sup> This suggests that even at this early date the AAUP was not of one mind about the benefits of unionization in higher education.

Sentiment for collective bargaining could be found even among faculty members at the sorts of elite institutions most associated with the AAUP in those years. For instance, a faculty member at the University of Chicago declared, "The average milk driver is paid more than any assistant professor in the University of Chicago. A janitor gets more than a school principal. Plumbers get more than teachers. That is because milk drivers and plumbers and janitors have unions."<sup>11</sup> But many union locals, both AFT and NEA, were unsuccessful or exceptionally small, with only a handful gaining majority support. Indeed, the initial flurry of organizing at both the K-12 and college levels in the immediate aftermath of World War I quickly subsided, as AFT membership declined from over 10,000 in 1919 to just 3,000 two years later. By the end of the 1920s only one AFT higher-education local remained active.<sup>12</sup>

It may well be argued that the AAUP's approach had been vindicated. But this hardly meant that the organization did not remain concerned about the material situation of the profession. In 1937 the AAUP issued its first major report on the economic status of the professoriate, *Depression, Recovery, and Higher Education*, which would evolve into the Association's much-vaunted annual reports on faculty salaries. Moderate in its tone, the report nonetheless documented the sweeping impact of the Great Depression on faculty status, salaries, and benefits. "The depression raises the question of whether or not adequate consideration has been given to the men and women of lowest rank," the report concludes. "There is much to suggest that it has not."<sup>13</sup>

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The report gave rise to renewed discussion of unionization. In a paper first read at a 1937 regional AAUP conference and reprinted in the *AAUP Bulletin*, Earl Cummins and Eric Larrabee, using a phrase echoed by California governor Jerry Brown in the 1970s, argued,

That any college professor who is worth his salt receives more in so-called "psychic income" than in his monthly pay-check is obvious. We know that during the depression literally thousands of teachers suffered actual want without quitting their posts, often increasing instead of diminishing their teaching loads, and we honor their magnificent devotion. But there are limits to which the substitution of emotional satisfaction for bread-and-butter can go; and most teachers live on such a narrow margin that they are swiftly reached. The pleasantness of our labors can not replace entirely the tangible rewards for very long, with most of us, at least.<sup>14</sup>

"Our colleges are no longer in the hands of their faculties," Cummins and Larrabee continued. "The final authority lies elsewhere; and the faculty members have the choice of dealing with it individually or collectively." Their preference was unequivocally for the latter, but they also firmly rejected "demands for the transformation of our professional association into a labor union, entailing the adoption of some, at least, of the common union methods of reaching its goals."<sup>15</sup>

Even this middle-ground approach attracted the ire of Lovejoy, who opined in a 1938 speech, reprinted in the *Bulletin*,

Any plan for "unionizing" academic teachers is essentially inimical to the union of academic teachers in the discharge of what is at once their common and their special and peculiar responsibility—the defense of the standards and the integrity of their calling against dangers which threaten them from without, the energizing and improvement from within, through investigation and wide and free discussion, of the institutions and the processes devoted to the higher education of youth and the increase of man's knowledge and understanding.

Yet Lovejoy also acknowledged that the Association "is [emphasis in original] analogous to a trade union because the economic status of teachers is legally the same as that of most industrial workers. We are employees of corporations, private or public, not, like most doctors and lawyers, independent entrepreneurs."<sup>16</sup>

Lovejoy's comments prompted a response from one George Coe, who wrote in part,

Almost immediately after reading your address there fell into my hands a statement of the objectives of the Northwestern University branch of the American Federation of Teachers. The main difference that I discern between this declaration pro and your declaration anti is that this professors' union, after going the whole way with you in your definition of professional standards, assumes that still

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other aims and standards are obligatory upon our profession. Further, it places the problem of academic freedom within the concrete social context that provides the dynamics and the contemporary meaning of higher education. It explains the attitude of some professors to the labor movement. They see in this movement an expression of basic meanings in American history; they regard the emancipation of labor as necessary to the maintenance and development of democracy; they are convinced that if democracy goes down, science will go down with it; hence, even as upholders of the freedom of science, they find themselves participating in the struggles of labor.<sup>17</sup>

Ultimately this discussion reached no conclusion. However, it resumed in the wake of the extraordinary expansion and "democratization" of higher education after World War II and the ebbing of the anti-Communist hysteria of the early 1950s that, as Ellen Schrecker has argued, all but paralyzed the Association. At the 1957 annual meeting the membership amended the organization's constitution to add the word "welfare" to the phrase "to advance the standards and ideals of the profession," rejecting, however, an initial proposal to add the phrase "economic welfare." The meeting also asked the Association "to establish as immediate objectives the discovery of tactical ways and means of securing proper salary levels throughout the country."<sup>18</sup>

Spurred by the rapid growth of higher education in the postwar decades, AAUP membership increased from 20,671 in 1946 to 68,900 in 1965.<sup>19</sup> With chapters emerging at former "normal schools" and in community colleges, and with the requirement that new members be nominated by current ones now long abandoned, the Association was no longer an organization of academic aristocrats. In 1965 a special Self-Survey Committee reported,

The coming era in higher education is already showing features markedly different from those of the college and university world in which the older members of the Association grew up. If the Association expects to play an effective role in this new era, it should not allow itself to be taken by surprise; nor can it assume that the future into which we are moving is already determined without benefit of our effort and counsel.<sup>20</sup>

By 1962, Melvin Lurie, an economics professor at the University of Rhode Island, was arguing in the *Bulletin* that

university professors are currently in an economic position that could, under effective unionism, result in a large increase in income over the next two decades. We could disguise our real goals by asking for and imposing higher standards on those desiring to enter the teaching profession.<sup>21</sup>

During the 1960s the principal advocate for collective bargaining within the AAUP was Israel Kugler, then at New York Community College of Applied Arts and Sciences. An AFT chapter vice president, Kugler responded to Lurie by calling on the AAUP to "recognize the true nature of the power structure in American

education." He urged the Association to transform "itself into a union" and "shed the illusion that college teachers are not professional employees but professionals on appointment."<sup>22</sup>

Lurie and Kugler were reacting to increased activity by the AFT and the NEA in higher education. The early 1960s saw the AFT's first major successes in organizing university faculty, especially in Wisconsin and New York, where enabling legislation opened opportunities in both two-year and four-year public institutions. The NEA, which had previously abjured collective bargaining, committed itself to the concept in 1962 and quickly entered the field of higher education organizing. As Philo Hutcheson notes, "With 1962 membership at 812,497, 1962 dues income at nearly \$7,358,000, and sixty-nine national staff members plus many state staff members, the NEA's resources were far greater than those of the AFT or the AAUP."<sup>23</sup>

Hence, by the mid-1960s the AAUP was compelled to respond both to intensified discontent among faculty with their economic status and to the increasingly vigorous efforts of union rivals. The response, however, was slow and deliberate. In October 1964, the AAUP Council decided to plan and finance a national conference on collective bargaining. Although there was "a real sense of urgency because the profession was growing so fast" and "faculty members were feeling more and more remote from the administrators," former AAUP general secretary Bertram Davis later recalled that it was also "very, very difficult to see just what collective bargaining would mean for higher education and for the AAUP, whose approach was totally different."<sup>24</sup>

The December 1964 conference took only cautious steps in the direction of collective bargaining. While the meeting did suggest similarities between AAUP's activities and collective bargaining, there was as yet little enthusiasm for unionism among the Association's leaders. As President David Fellman put it, "I think our position is that we would not suggest to a chapter becoming a union but would suggest to a chapter acting as a union. . . . We bring pressure on the administration and I suppose this in a sense is collective bargaining."<sup>25</sup>

The Association's ambivalence was soon challenged by events at St. John's University in New York. The AAUP first learned of "strained relations between the faculty and the administration" at St. John's in 1963. A group of faculty members at the university organized an AAUP chapter, but the administration only agreed to negotiate with the AAUP after the AFT began to organize a union local. The Association devoted much effort to settling disagreements at St. John's, but initial progress was reversed when, in December 1965, the university informed the AAUP that termination notices had been sent to thirty-one faculty members, including twenty-one who were "summarily separated from their classroom duties" because, the administration alleged, they had engaged in "organized opposition amounting to a rebellion."<sup>26</sup>

The AAUP responded in its usual manner, conducting a formal investigation that led to the administration's censure in 1966. But the St. John's AFT local responded by calling for a faculty strike, and

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when classes opened on January 4, 1966, about two hundred faculty pickets were at the university's gates. Two days later the AAUP responded with an ambiguous statement. The Association declared that it "has never looked upon the strike as an appropriate mechanism for resolving academic controversies or violations of academic principles and standards. . . . Accordingly, the Association does not endorse a strike against an academic institution." At the same time, however, the statement argued that "a refusal by individual faculty members to cross picket lines maintained by colleagues, when their refusal is based upon personal dictates of conscience and their intimate familiarity with the facts, should not be considered a violation of professional ethics."<sup>27</sup>

While the strike was defeated (St. John's faculty would win union recognition, with AAUP representation, a few years later), the conflict highlighted the limits of AAUP's traditional approach to violations of academic freedom. As Hutcheson concludes,

The AAUP had expended tremendous resources in its attempts to negotiate with the administration and the Board of Trustees at St. John's University, but the administration and the board refused to negotiate about the summary dismissals, which the AAUP deemed to be blatant violations of principles of academic freedom and tenure. Given that the board had announced support for the 1940 Statement not only before the dismissals but also in the spring of 1966, St. John's University in this period presents a remarkable example of administrative and governing board intransigence. They would accept the principles of academic freedom and tenure as and when they cared to do so; they clearly saw themselves as managers of the university, and the professors as employees to be dismissed at will.<sup>28</sup>

In 1966, in the wake of the St. John's events and expanding activities by the AFT and the NEA, a Special Committee on the Representation of Economic Interests, appointed after the December 1964 conference, presented its report, recommending AAUP adoption of a *Statement of Policy on the Role of Association Chapters as Exclusive Bargaining Representatives*. The statement, ultimately approved by the Council, continued the Association's guarded ambivalence on the question of collective bargaining, declaring,

If these conditions [of effective faculty voice and adequate protection and promotion of faculty economic interests] are not met, and a faculty feels compelled to seek representation through an outside organization, the Association believes itself, by virtue of its principles, programs, experience and broad membership to be best qualified to act as representative of the faculty in institutions of higher education.

Presenting the statement, Clyde Summers, chair of the special committee, explained its reasoning in these terms:

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The question confronting the Association is not whether it shall become a "union," or whether it shall engage in "collective bargaining," for to cast the issue in those terms is to submit to the tyranny of labels. The Proposed Statement makes as plain as words permit that the Association shall continue, and with all means at hand, to assert and implement its historic role as a professional organization which views the university as a community of scholars in which all faculty shall participate through democratic structures of university government. It is true that a chapter may become an "exclusive representative" similar to a union, but only when state laws or administrative policies of the institution leave the chapter with no viable alternative. And in acting as exclusive representative, the chapter must reject methods and devices commonly associated with unions. The chapter must not assert exclusive right to present grievances but must provide a procedure open to any individual or group. The chapter must disown the use of the strike or work stoppage. And the chapter cannot require any member of the faculty to join or pay dues to the chapter. The underlying premise of the Proposed Statement is that the Association, in confronting the practical problem, shall seek to evolve through experience procedures and structures for faculty representation which are not those of unions, but which are especially designed for the special status of faculty members within an academic community.<sup>29</sup>

Not long after, in February 1967, the faculty at Belleville College in Illinois (now Southwest Illinois College) voted to designate the AAUP chapter as its exclusive bargaining representative, replacing an AFT local that had negotiated on its behalf alongside local K–12 teachers. Although the 1966 statement of policy required individual chapters to obtain permission from the national office before initiating representation, the Belleville faculty failed to do so. Thus, wrote AAUP president Clark Byse, "did collective bargaining come to the AAUP—in Belleville, Illinois, without the knowledge, encouragement, or consent of the General Secretary or the officers or Council of the AAUP."<sup>30</sup>

Nonetheless, the Association did not disavow the Belleville move. From that point on, growing pressure from below pushed leaders into ever more active support of collective bargaining by the AAUP. In 1970, Rutgers University, St. John's, and Oakland University in Michigan became the first three AAUP collective-bargaining agents at four-year universities.

In 1968, after another strike over academic freedom—this one successful—at Catholic University the previous year,<sup>31</sup> the Council issued a new statement on strike participation, declaring that

situations may arise affecting a college or university which so flagrantly violate academic freedom of students as well as of faculty or the principles of academic government, and which are so resistant to rational methods of discussion, persuasion, and conciliation, that faculty members may feel impelled



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to express their condemnation by withholding their services, either individually or in concert with others.<sup>32</sup>

In 1969, the Association inched further toward endorsement of collective bargaining when in a revised version of the 1966 statement it recognized

the significant role which collective bargaining may play in bringing agreement between faculty and administration on economic and academic issues. Through the negotiation of a collective agreement, it may in some institutions be possible to create a proper environment for faculty and administration to carry out their respective functions and to provide for the eventual establishment of necessary instruments of shared authority.<sup>33</sup>

Then, after a 1971 "Summer Study" by a committee led by law professor Robert Gorman, the AAUP's executive committee submitted a confidential report to the Council that endorsed collective bargaining. The Gorman report presented two alternative approaches. The first would incorporate collective bargaining as an essential activity of the Association. The second approach would divide the AAUP, with one component functioning in the traditional manner and the other as a union.

The Gorman report also included dissenting statements from the Association's vice president and chair of Committee A, William Van Alstyne, supported by all but one member of that body. They argued that entry into collective bargaining would limit the Association's impact on campuses where other unions represented the faculty, lessen support for AAUP principles among administrations, and lead to a loss of membership. Nevertheless, on October 31, 1971, the Council voted to "pursue collective bargaining as a major additional way of realizing the Association's goals," effectively accepting the Gorman report's first approach. The decision was endorsed at the June 1972 annual meeting, which the next year adopted a *Statement on Collective Bargaining* that both accepted such activity as an "effective instrument for achieving" AAUP's traditional goals and trumpeted the Association's unique qualifications to shape bargaining consistent with professional standards of academic freedom and shared governance.<sup>34</sup>

The AAUP's endorsement of collective bargaining led to a rapid expansion of its union activities, fueled in part by a dues increase adopted by the membership meeting to fund union organizing. In 1972, the AAUP won certification as bargaining agent for faculty at eight additional four-year institutions, four private and four public. By the end of 1975, the Association represented faculty at thirty-five colleges and universities, about half the present number. However, while collective-bargaining membership grew, overall membership declined, as opponents of unionization had predicted, going from 78,000 in 1969 to about 60,000 in 1976. It is unclear, however, whether these losses might not have been equaled or even exceeded had the Association declined to enter the bargaining arena, because losses among those opposed to bargaining might easily have

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been matched by losses at institutions where pro-bargaining members could desert the Association for other unions.<sup>35</sup>

The transition to bargaining was facilitated by the election in 1974 of law professor Van Alstyne, an opponent of unionization, as AAUP president. Although two pro-collective-bargaining candidates divided a majority of voters, Van Alstyne won with support from major collective-bargaining leaders, who hoped his election would unify the organization. Van Alstyne made good on this hope, successfully defeating efforts to limit funding for collective-bargaining organizing. In his 1976 presidential address Van Alstyne proclaimed the Association "more effective in more ways than at any time in its history." He identified two concerns for the AAUP: that the Association develop its own distinct approach to bargaining and that it not be reticent about involvement in such activity. On this latter point, he declared, "We have not been half-hearted, and we have in fact made it a resounding success." In sharp contrast to his previous opposition to collective bargaining, the former Committee A chair now boasted,

The presence of the Association in collective bargaining has also brought with it the flattery of widespread imitation: not only do our own agreements reflect the enforceable contractualizing of the 1940 Statement and related AAUP standards, but the other associations and unions have now reached the point where negotiation for recognition of AAUP standards is commonplace throughout collective bargaining in higher education.<sup>36</sup>

Nevertheless, tensions remained. In 1980, the US Supreme Court, in the case of *National Labor Relations Board v. Yeshiva University*, ruled that tenured and tenure-track faculty members at private universities are managers and hence exempt from the protections of the National Labor Relations Act.<sup>37</sup> As Ernst Benjamin has argued, *Yeshiva* "was inimical to not only faculty bargaining but also the core principles of the Association." Further, "The decision disproportionately impaired the development of AAUP bargaining because the AAUP was more competitive at private than at public universities. . . . The consequent need to focus on public-sector organizing reinforced the argument in favor of joint ventures [with the AFT or NEA] with their attendant difficulties."<sup>38</sup> In short, by overlaying a public-private divide on the distinction between collective- and non-collective-bargaining chapters, *Yeshiva* could tend to exacerbate divisions.

A second Supreme Court case proved more traumatic, albeit mainly in the short term. Shortly after ruling in *Yeshiva* the Court granted certiorari in the case of *Minnesota Board for Community Colleges v. Knight*, decided in 1984. In that case the Minnesota NEA argued that its exclusive right to bargain on behalf of community college faculty outweighed the rights of individual professor, including twenty individual faculty members who filed suit, to participate in shared governance. The Association prepared an *amicus* brief in support of the appellants and shared governance, but the leadership of the AAUP Collective Bargaining Congress (CBC),

which had emerged as the national representative of the unionized chapters, rejected its claims. The Court ultimately ruled in favor of the NEA that governance arrangements of the sort it had cited in finding the Yeshiva faculty to be managers were not constitutionally protected under state laws affording the faculty collective-bargaining rights.

In a sharply worded report delivered shortly after the decision, and reflecting some of the bitterness the *Knight* controversy had engendered, Committee A chair Matthew Finkin argued that for the Association the question in *Knight* had been clear: "This arrangement was plainly violative of the joint *Statement on Government of Colleges and Universities*."<sup>39</sup> According to Finkin, the leaders of the CBC offered four arguments against the AAUP brief:

- (1) The AAUP should not appear on the same side as the Right to Work Foundation, which had supported the suit;
- (2) the AAUP should not attack the principle of exclusive representation;
- (3) the AAUP should not attack the contract of a sister union;
- and (4) the AAUP should not advance a position that the CBC does not support.

In Finkin's view, the first argument "could not be taken seriously," since like the ACLU the Association had more than a few times in the past found itself defending academic freedom in the company of groups it otherwise found distasteful. The second argument he found "even more disturbing, for it would place a new, much higher emphasis upon exclusive representation," which the Association had previously seen "as a desirable way of achieving recognition of AAUP principles" but not "as an end in itself." The third and fourth arguments, Finkin concluded, were essentially political and not principled, but he feared that "the CBC leadership sees *every* issue as political."

Finkin had been an advocate of the Association's entry into collective bargaining and he hastened to assure his readers that his remarks were "not an attack on the validity of collective bargaining for the professoriate." Nonetheless, citing precipitous declines in Association membership at major research universities and selective private colleges and the growing dominance of the membership by a relatively small number of collective-bargaining chapters, several of whom were only affiliates, he expressed fear of "the demise of the Association's mission as the paramount professorial voice in defense of academic freedom and tenure." He worried that

when the profession comes to see Committee A as speaking, in essence, for a couple of dozen collective-bargaining organizations, the usefulness of Committee A in its traditional mission will be at an end. We will be perceived, and rightly, as just another faction, parochial and self-serving.<sup>40</sup>

Fears that a commitment to collective bargaining might undermine the AAUP's traditional commitment to academic freedom and tenure were somewhat assuaged by events at Temple University in 1985. Here the Association investigated and censured the university administration for laying off faculty in violation of

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AAUP principles, even though the layoffs were legal under a "retrenchment" provision of Temple's collective-bargaining agreement with the university's AAUP chapter, a provision approved by a vote of the chapter membership even after imposition of censure. This censure decision made clear that the Association would not weaken, much less abandon, its historic commitment to academic freedom and tenure even at institutions where its own collective-bargaining agreements authorized administrations to take actions inconsistent with that commitment.<sup>41</sup>

In addition, as Ernst Benjamin has recalled, his selection as the first general secretary from a collective-bargaining unit also facilitated the Association's stability. He concludes:

I believe that the Association and to a remarkable extent the profession have successfully integrated collective bargaining with the commitment to academic freedom, tenure, shared governance, and professional standards. . . . Where the Association and faculty generally have adopted it collective bargaining has tended to strengthen AAUP-supported standards and procedures. Moreover, the collective bargaining faculty who now provide the greater share of Association resources and make the AAUP's continued support of national standards possible are plainly subsidizing those many faculty members who do not contribute to the organization's work. In view of the ever-increasing managerialism that confronts us throughout academe, and the consequent erosion of the shared values between faculty and academic administrators that have helped sustain the AAUP's core principles, I do not see an alternative to pursuing collective bargaining and advocacy organizing.<sup>42</sup>

Collective-bargaining agreements, it might be argued, share much with noncontractual arrangements like shared governance policies and faculty handbooks. If some contracts are weak and ineffective, so too are many academic senates. But, by and large, as one recent empirical study has demonstrated, "faculty unions have a positive effect on the level of faculty influence at public institutions." Predictably, the study found, faculty at unionized institutions have more say in determination of their salaries but "they also have more influence in many other areas, such as appointments of faculty and department chairs, tenure and promotion, teaching loads and the curriculum, and governance."<sup>43</sup>

Nevertheless, the tensions highlighted by Finkin have not disappeared. As I have argued, however, they've existed from the origins of the Association. Indeed, these tensions may be inherent in the very position that faculty occupy in society. Sociologist Erik Olin Wright has pointed out, as the AAUP itself has always recognized, that college and university faculty occupy an "objectively contradictory class location." Professors are similar to independent professionals in many ways, but they are actually employees of large private and state bureaucracies. Faculty members are also increasingly similar to salaried workers with respect to employer-employee relations, but they are not such workers. Thus, as Clyde Barrow has concluded,

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"faculty ambivalence toward competing forms of organization is anchored in their objective structural location in capitalist society."<sup>44</sup>

In his useful and detailed, but conceptually somewhat muddled, study of the AAUP's gradual embrace of collective bargaining, Philo Hutcheson argues that the shift to collective bargaining arose as a consequence of the increasing tension between the bureaucratization of the university and the professionalism of its faculty. But the proper distinction is not between professionalism and bureaucracy. As Ernst Benjamin perceptively puts it in his review of Hutcheson's book,

AAUP policies recognize that faculty as professionals are employed in bureaucratic organizations . . . and seek to protect professional autonomy through the construction of bureaucratic rules and procedures defining appointments, tenure, and academic governance. Moreover, the distinguishing characteristic of managerialism is in fact the search for entrepreneurial 'flexibility' through a systematic deconstruction of established institutional rules, including AAUP-recommended standards. Bargaining to reinforce orderly personnel procedures and long-standing AAUP policies was not, as Hutcheson suggests, a triumph of bureaucracy over professionalism, but an extension of AAUP's efforts to safeguard professional autonomy and academic governance against entrepreneurial managerialism within an established bureaucratic framework.<sup>45</sup>

Similarly, it is equally incorrect to oppose professionalism to unionism, as the early AAUP leaders did and too many faculty members still do today. The concept of a union of professionals that not only seeks improvements in salaries, benefits, and working conditions but also strives to enforce broader professional standards and principles is not unique to the AAUP or even to academia. Attorneys in the public sector, including district attorneys and public defenders, as just one example, are frequently represented by unions, but this hardly constrains their engagement with and conformity to the standards of the professional bar. And, as a historian of Tsarist Russia, I cannot help but mention the emergence during the first Russian revolution of 1905—a decade before the founding of the AAUP—of unions of railwaymen (defined to include not only engine drivers and switchmen but also, even mainly, midlevel managers and professional engineers); teachers; agronomists; and pharmacists. These professional groups came together to form a Union of Unions, which the more "proletarian" socialists in the factories considered petty bourgeois.<sup>46</sup>

In 2005, the AAUP's Collective Bargaining Congress endorsed a lengthy statement defining the Association's approach to academic unionism, which both underpins current AAUP collective-bargaining efforts and helps explain the appropriate relationship between unionism and professionalism:

Academic unions are the most recent in a long line of collegial structures forged to protect the rights and professional roles of academics. Increasingly, tenure-track and contingent faculty, academic professionals, and graduate assistants have formed unions to ensure their professional standing and

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protect themselves from the threats and challenges presented by the corporatization of American colleges and universities. . . .

. . . Academics generally regard their primary obligations to be to their professional communities, their students, and the larger public rather than to political edicts or ideologically biased mandates from above. . . .

An AAUP union is not an off-campus organization. It is the profession, in an organized form. It is an amplified voice of the faculty and other academic professionals—a voice they use to achieve their needs. . . .

A union of professionals committed to retaining power and autonomy in their work must be organized differently from other institutions in modern America. . . . Faculty and academic professionals join unions not just to get higher wages, but also to maintain authority and a primary role in the university. . . .

The nation's campuses have carved out vital public spheres in American society. They have been the training ground for its future citizens. By ensuring an open and challenging education for college students, conducted by trained and committed academics, a renewed academic union movement can be crucial in continuing the American experiment of making a high-quality liberal education available to all U.S. citizens.<sup>47</sup>

These principles are consistent with those first enunciated by AAUP's founders a century ago. Moreover, it should also be stressed that AAUP's distinctive combination of union organization and professional association may provide the most effective method of defending professional principles today. Unfortunately, many faculty members at US institutions of higher learning are by law presently unable to engage in collective bargaining. There is, of course, the *Yeshiva* decision. Moreover, in many states, the lack of appropriate enabling legislation leaves employees at public colleges and universities, including faculty, without the right to bargain collectively. And in an increasing number of states—recent events in Wisconsin; Michigan; and, most recently, Illinois come immediately to mind—restrictions on union activity, including so-called right-to-work laws, hamstring organizing efforts. Such restrictions limit not only academic unionism but also the union movement as a whole, which now represents a much-diminished portion of the US labor force.

In this environment the AAUP's continuing commitment to represent not only its own unionized membership but also its thousands of nonunionized "advocacy" members and, indeed, the profession as a whole; to organize and recruit for both union and nonunion chapters; and to continue developing and defending meaningful professional standards in support of "the common good," has become more essential—and arguably more practical—than ever. If unions are to remain viable defenders of those who

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work, be their labor physical or mental, they will need to organize and act in new ways. They will need to organize and act across workplaces and across industries, locally and regionally, in both traditional union structures and in new forms—some akin to associations like the AAUP—employing new strategies and tactics capable of mobilizing public support and exerting political pressure and moral suasion beyond the workplace. If this be true, AAUP's creative blending of professionalism and unionism, developed slowly and fitfully over the past century, may provide a model not only for other professions but also for the union movement as a whole in the century to come.<sup>48</sup>

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## Notes

<sup>1</sup>. A previous version of this essay was presented at the panel "The AAUP at 100: A Century of Activity in Support of Academic Freedom" at the annual meeting of the American Historical Association in New York on January 2, 2015. I am grateful for the support of my fellow panelists, Joerg Tiede, Ellen Schrecker, and Joan Scott, and especially for the insightful commentary of Clyde Barrow at that session.

<sup>2</sup>. "Council Position on Collective Bargaining," *AAUP Bulletin*, Vol. 58, No. 1 (Mar., 1972), pp. 46-61.

<sup>3</sup>. Editorial, "The Professors' Union," *New York Times*, January 21, 1916; Frank Thilly, "Address of the President to the Members of the Association," *AAUP Bulletin* 3, no. 2 (1917): 7-10; "The Association Not a 'Union,'" *AAUP Bulletin* 3, no. 3 (1917): 3. In his comments at the American Historical Association annual meeting in 2015, Clyde Barrow, referring to the letter writer's statement, noted: "Can one imagine the president of the U.S. Chamber of Commerce lamenting that his organization has become identified in the public mind with the fortunes of business? Can one imagine the president of the American Medical Association lamenting that his organization has become identified in the public mind with the fortunes of the medical profession? Only a professor would be embarrassed by the prospect of joining an organization that collectively represents his/her economic and occupational interest!"

<sup>4</sup>. Walter P. Metzger, *Academic Freedom in the Age of the University* (New York: Columbia University Press, 1955), 196, 203; Upton Sinclair, *The Goose-Step: A Study of American Education* (Pasadena, CA: self-published, 1923), 455.

<sup>5</sup>. "Mission," AAUP, accessed September, 11, 2015, <http://aaup.org/about/mission-1>.

<sup>6</sup>. Hans-Joerg Tiede, "'To Make Collective Action Possible': The Founding of the AAUP," *Journal of Academic Freedom* 5 (2014): 1, 24.

<sup>7</sup>. "1915 Declaration of Principles on Academic Freedom and Academic Tenure," *AAUP Policy Documents and Reports*, eleventh edition, (Washington, DC: American Association of University Professors, 2015), 11.

<sup>8</sup>. *Ibid.*, 6.

<sup>9</sup>. See Timothy Reese Cain, "The First Attempts to Unionize the Faculty," *Teachers College Record* 112, no. 3 (March 2010): 876-913.

<sup>10</sup>. *Ibid.*, 898-900.

<sup>11</sup>. *Ibid.*, 902.

<sup>12</sup>. *Ibid.*, 905.

<sup>13</sup>. Philo Hutcheson, *A Professional Professoriate: Unionization, Bureaucratization, and the AAUP* (Nashville: Vanderbilt University Press, 2000), 10.

<sup>14</sup>. Earl E. Cummins and Harold A. Larrabee, "Individual versus Collective Bargaining for Professors," *AAUP Bulletin* 24, no. 6 (October 1938): 489.

<sup>15</sup> *Ibid.*, 492.

<sup>16</sup>. Arthur O. Lovejoy, "Professional Association or Trade Union?," *AAUP Bulletin* 24, no. 5 (May 1938): 417, 410.

<sup>17</sup>. George A. Coe and Arthur O. Lovejoy, "Communications: Professional Association or Trade Union?," *AAUP Bulletin* 25, no. 3 (June 1939): 346. Lovejoy responded at length in the same issue, arguing that adoption of trade unionism would be equivalent to the adoption of a specific political creed and thereby concluding that "the real question at issue is whether we want academic freedom within the Association." (355)

<sup>18</sup>. Hutcheson, *A Professional Professoriate*, 36-37.

<sup>19</sup>. *Ibid.*, 84.

<sup>20</sup>. *Ibid.*, 82.

<sup>21</sup>. *Ibid.*, 60.

<sup>22</sup>. *Ibid.*, 61. Kugler would soon leave the AAUP for the AFT and go on to lead the 1966 strike of faculty at St. John's University and the formation of what would in 1972 become the Professional Staff Congress at the City University of New York. His son Phil is now national organizing director for the AFT and has played a key role in the development and implementation of the current joint organizing agreement between the AFT and the AAUP.

<sup>23</sup>. *Ibid.*, 69.

<sup>24</sup>. *Ibid.*, 70.

<sup>25</sup>. *Ibid.*, 74. See also Ralph S. Brown Jr., "Representation of Economic Interests: Report of a Conference," *AAUP Bulletin*, 51, no. 4 (September 1965): 374-77.



- <sup>26</sup>. AAUP, "Academic Freedom and Tenure: St. John's University," *AAUP Bulletin*, 52, no. 1 (March 1966). The AAUP investigating team would find no evidence of such a "rebellion."
- <sup>27</sup>. AAUP, "Faculty Participation in Strikes," *AAUP Bulletin*, 54, no. 2 (June 1968): 155–59.
- <sup>28</sup>. Hutcheson, *A Professional Professoriate*, 79. Reviewing Hutcheson's book in *Academe* (86, no. 6 [November–December 2000]: 69–70), Ernst Benjamin notes that Hutcheson "omits the AAUP's subsequent successes: its direct role in negotiating a collective bargaining agreement at St. John's incorporating AAUP standards, the successful resolution of the faculty cases as a precondition for censure removal, and the salutary effect of these actions on other Catholic colleges and universities." (69)
- <sup>29</sup>. AAUP, "Representation of Economic Interests," *AAUP Bulletin*, 52, no. 2 (June 1966): 229–34. Two members of the Special Committee, Robert Bierstedt and Fritz Machlup, dissented from the report, arguing that "the notion of collective bargaining, supported by most of us in the industrial context, is wholly inappropriate in the academic situation" and further that "the differences between the union approach and our own is fundamental." (34)
- <sup>30</sup>. Hutcheson, *A Professional Professoriate*, 100.
- <sup>31</sup>. The Catholic University strike involved the denial of tenure to liberal theologian Charles Curran, who was reinstated but finally removed from the teaching of theology by order of the Vatican in 1988, resulting in the university's placement on the AAUP censure list. On the 1967 and subsequent events see Schubert M. Ogden, "Academic Freedom and Tenure: The Catholic University of America," *Academe* 75, no. 5 (September–October 1989): 27–40.
- <sup>32</sup>. AAUP, "Statement on Faculty Participation in Strikes," *AAUP Bulletin*, 54, no. 2 (June 1968): 157.
- <sup>33</sup>. AAUP, "Policy on Representation of Economic and Professional Interests," *AAUP Bulletin*, 55, no. 6 (December 1969): 490.
- <sup>34</sup>. AAUP, "Council Position on Collective Bargaining," *AAUP Bulletin*, 58, no. 1 (March 1972): 46–61. On January 1, 2013, the Association, with the encouragement of the Internal Revenue Service, divided into three legally independent entities: the AAUP, a professional association; the AAUP-Collective Bargaining Congress, a union federation of collective-bargaining chapters; and a charitable foundation. Formally similar to the Gorman report's second alternative, the new arrangement, however, maintains a common staff and office headquarters for the three entities, with interlocking governance and leadership structures that retain the essence of the first alternative while conforming to legal requirements. Moreover, all individual members of collective-bargaining chapters automatically become members of the AAUP professional association.
- <sup>35</sup>. During these years the AAUP also participated in joint organizing efforts with the NEA, most notably at California State University, and with the AFT, most notably in the Professional Staff Congress at CUNY. The Association, however, rejected overtures from the NEA for a merger.
- <sup>36</sup>. Hutcheson, *A Professional Professoriate*, 170–71.
- <sup>37</sup>. On the *Yeshiva* decision see Robert A. Gorman, "The Yeshiva Decision," *Academe* 66, no. 4 (May 1980): 188–97, which includes both the majority and minority opinions and an analysis of the case. As this paper was being written, the NLRB released its decision in the case of Pacific Lutheran University (N.L.R.B. Case 19-RC-102521), which may expand opportunities for organizing faculty at private institutions.
- <sup>38</sup>. Ernst Benjamin, "How Did We Get Here?" *Academe* 101, no. 1 (January–February 2015): 43.
- <sup>39</sup>. Matthew Finkin, "Report of Committee A 1983–84," *Academe* 70, no. 4 (September–October 1984): 21a–28a.
- <sup>40</sup>. Reflecting on this report in a recent e-mail to the author, Finkin said, "The rhetoric strikes me as much too shrill."
- <sup>41</sup>. Donald N. Koster, Marten S. Estey, and Ralph Kleinman, "Academic Freedom and Tenure: Temple University," *Academe* 71, no. 3 (May–June 1985): 16–27. Recently a similar situation emerged at Northeastern Illinois University, where the AAUP again censured an administration for violating AAUP principles of academic due process and tenure, even though a state agency governing public employee labor relations had ruled that the case did not violate the university's contract with the AFT local representing the faculty, and the union had ceased to pursue the matter. See AAUP, "Academic Freedom and Tenure: Northeastern Illinois University" (December 2013), <http://aaup.org/file/NEIUInvestigation.pdf>.
- <sup>42</sup>. Benjamin, "How Did We Get Here?," 44–45.

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<sup>43</sup>. Stephen R. Porter and Clinton M. Stephens, "The Causal Effect of Faculty Unions on Institutional Decision-Making," *ILR Review* 66, no. 5 (October 2013).

<sup>44</sup>. Erik Olin Wright, "Class Boundaries in Advanced Capitalist Societies," *New Left Review* 98 (1976): 3–41. The quote from Barrow is from his commentary at the AHA session referenced in note 1. In these comments Barrow noted an additional ideological dimension of the tensions: "A lingering problem is that most university faculty have never made an ideological transition from the medieval to the industrial era in the sense that their self-consciousness and collective identity is still permeated by the religious and clerical origins of the Western university. Faculty have never relinquished the religious idea that 'the material' is debased and degraded, that worldly politics is 'dirty and corrupt,' and that faculty are in the service of a 'higher moral good,' whose nobility is somehow enhanced by vows of poverty. Thus, as much as some faculty may declare their demand for professional status, what they really want is the wealth, prerogatives, and immunity of a priesthood that outwardly (if hypocritically) conveys the appearance of disdain for money and power, while simultaneously craving it. This is a contradiction at the core of the ideology of the intellectuals that has not yet been expunged by either professional associations or faculty unions, but the absence of 'secularization' remains a major obstacle to collective action of any kind by university faculty."

<sup>45</sup>. Ernst Benjamin, review of *A Professional Professoriate: Unionization, Bureaucratization, and the AAUP*, by Philo Hutcheson, *Academe* 86 no. 6 (November-December 2000): 70.

<sup>46</sup>. On the railwaymen's union, see Henry Reichman, *Railwaymen and Revolution: Russia, 1905* (Berkeley and Los Angeles: University of California Press, 1987), especially chapter 6. On the pharmacists, see the wonderfully titled piece by Jonathan Sanders, "Drugs and Revolution: Moscow Pharmacists in the First Russian Revolution," *Russian Review* 44, no. 4 (October 1985): 351–77. On the Union of Unions see Jonathan Sanders, "The Union of Unions: Political, Economic, Civil, and Human Rights Organizations in the 1905 Russian Revolution" (unpublished PhD dissertation, Columbia University, 1993).

<sup>47</sup>. AAUP-CBC, "Academic Unionism" (November 2005), <http://www.aaupcbc.org/academic-unionism>, accessed September 11, 2015.

<sup>48</sup>. Some may find this conclusion unduly optimistic. Perhaps they are correct, but it seems to me that yielding to pessimism is the far more dangerous alternative.