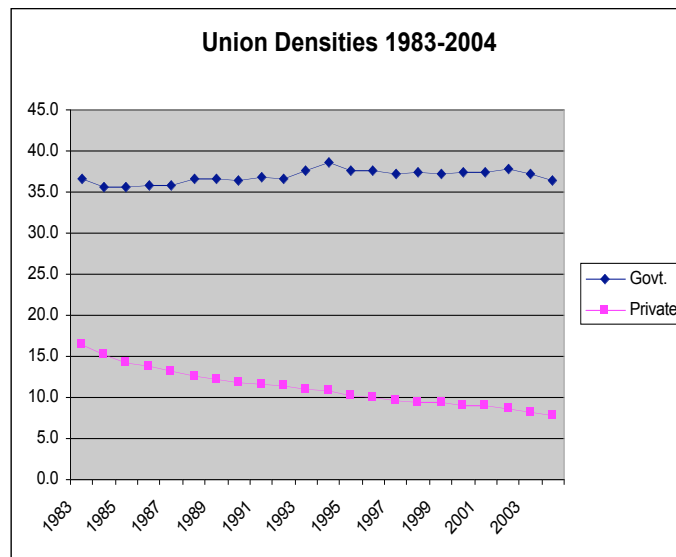


The Perils of Faculty Unionism
by
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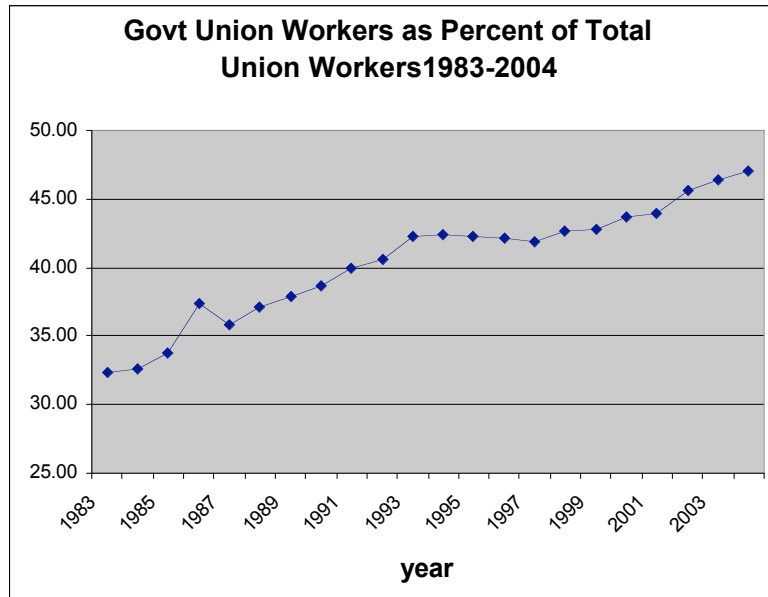
American unionism is rapidly changing its face. Consider the following two charts. In 2004 7.9 percent of private sector workers were unionized while the corresponding number for government sector workers was 36.4 percent. Chart 1 shows the values of these two market shares (densities) from 1983 through 2004. Private sector union density has declined over the entire 22-year interval, while government sector

Chart 1



density has fluctuated between 35 and 40 percent. Government sector unionism was almost nonexistent before 1962, but in 2003 unionized government employees were 46.4 percent of all unionized employees. Chart 2 shows the ratio of unionized government

Chart 2



employees to all unionized employees from 1983 through 2004. In 2004 that figure was 47.1 percent. It has been steadily increasing, and soon will reach over 50 percent. By comparison, government employment was 16 percent of total employment in 2004. Unions always have represented themselves as allies of employees against predatory employers. Soon they will be little more than allies of government employees against all taxpayers whether unionized or not.

One reason for the growth of government-sector, relative to private-sector, unionism is the spectacular growth of unions among university faculty as well as K-12 teachers. Quite apart from the case against unionization of any government employees, the unionization of higher education faculty is especially problematic.

From the time of Plato's Academy and Aristotle's Lyceum, academic freedom and scholarly creativity have been highly prized academic values. Ideally, successes and failures of individual academics are based on the values that other academics (and

students) place on their work. Performance, not politics, is what counts. Of course all academic institutions fall short of the ideal. Even at the best schools campus politics intrudes into decisionmaking. But when it does, most academics struggle to minimize its impact. As soon as faculty unionism intrudes, politics displaces excellence. Professors come to be treated, by their unions as well as their administrations, like assembly line workers whose responsibility is limited to playing the roles assigned to them in so-called collective bargaining agreements. All degrees of freedom in decisionmaking are swallowed by slavish adherence to “the contract.”

Individual states pass their own statutes concerning unions at government universities and colleges, but they all are patterned after the federal National Labor Relations Act (NLRA) which governs private sector unionism. Consider the worst feature of NLRA-style unionism: exclusive representation. If fifty percent plus one of the members of a faculty vote to have, say, the local National Education Association (NEA) union be their representative in bargaining with their university over the terms and conditions of employment, all of the faculty members who were eligible to vote must accept the NEA union’s representation “services” whether they want them or not. Faculty who prefer another union or some non-union organization to represent them are out of luck. They are even forbidden to represent themselves. The winner of the election becomes the monopoly representative of the faculty, and it never has to stand for reelection. As individuals, professors lose voice. All professors are treated exactly like all other professors. Excellence is not rewarded and often disparaged, poor performance is protected, individual autonomy vanishes, and strife replaces collegiality

The ravages of exclusive representation are in no way affected by any state's right-to-work law. The latter just protects faculty against having to pay for the monopoly representation services they do not want. Each professor must still succumb to the monopoly representation. Each must be silent as the union speaks for the collective.

Unionists justify exclusive bargaining on the grounds that it is merely workplace democracy. Most faculty accept the legitimacy of majority rule in governmental matters. So, unionists argue, to be consistent faculty must accept its legitimacy in the workplace. This is a silly, inapt analogy. There are three branches of American government – executive, legislative and judicial. There is no fourth branch of government called unions. Democracy, forcing a numerical minority to submit to the will of a numerical majority, is appropriate in governmental matters but not in private matters. The sale and purchase of one's labor services is a private matter.

A government is a natural monopolist. It makes decisions that must apply to all its citizens uniformly. On governmental matters individuals cannot be allowed to go their own way. But on private matters individuals must be allowed to go their own way subject only to the rule that no one can infringe on the equal rights of others to do the same. In the private sphere of human interactions mutual consent among individuals, not majority rule, is the proper decision rule. Individuals may choose to associate with other individuals who are willing to associate with them in order to pursue some common goal, but no one should be forced into any association with others by any means, including majority rule. If asked, most professors would agree that coerced associations are anathema to the academy. Too many professors fail to apply this admirable principle to faculty unionism. Logical consistency and academic freedom demand that they do so.

The union that has monopoly representation services over the California State University faculty is the California Faculty Association (CFA). My experience with it is a cautionary tale. When CFA campaigned to become the monopoly faculty representative it promised that it would never try to impose any forced dues payments on the faculty. Soon after becoming certified as the monopoly representative it undertook a long campaign to do precisely that. It finally succeeded in 1999 by giving sufficient electoral support to Gray Davis in the 1998 gubernatorial election to bribe him into signing such legislation.

Faculty in right-to-work (RTW) states should not assume that this could not happen to them. Organized interests usually win out over general, unorganized interests in the political game. Once unions seize monopoly representation privileges they have the organizational strength to become significant political players. In a RTW state the legislature can repeal RTW at any time. It also can preserve RTW for most workers and deny it to university faculty. Prudent faculty will avoid unionization altogether.

What else hath the CFA wrought? For one thing it established *de facto* tenure for many of our adjunct faculty even though most of them never publish anything. For another, it quashed merit pay for faculty who demonstrate outstanding professional contributions. It asserted that all faculty contributions are equally meritorious. CFA also imposed a faculty staffing rule that says in the event of any downsizing, faculty must be let go in reverse order of seniority. Expertise and the needs of students and the integrity of the academic enterprise do not matter at all.

Any university that becomes union-impaired will soon thereafter lose any claim to academic excellence and achievement. Professors will have a job and they will collect a paycheck, but too many of them will gradually descend into academic mediocrity or

worse. After all, when everyone's accomplishments are equally meritorious, and protecting paychecks for the most senior faculty is more important than academic excellence, why keep trying?

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