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MARC BOUSQUET

## A VICTORY FOR ALL OF US:

### *A Conversation with Joel Westheimer*

**M:** In your article for *Workplace*, "Tenure Denied," you describe how the NYU administration rated you about as highly as an assistant professor can be rated—you had some pretty stellar accomplishments over a very short period of years. You were essentially a model for the super-achieving young faculty member. The administration changed its tone of approval shortly after you supported the unionization of graduate student employees at NYU, eventually denying you tenure.

The union filed suit with NLRB, alleging wrongful denial of tenure on the grounds that it was an illegal retaliation against your pro-union stance.

Can you tell the result of that investigation?

**J:** The NLRB looked into the case for about two months. They examined all of the relevant documents that both sides could provide. The head of the regional board determined that there was probable cause that NYU denied me tenure in retaliation for my activities in testifying for the graduate students.

What that means is that they filed the equivalent of an indictment so the matter would go to trial. By that time, I had already taken a position teaching at the University of Ottawa, which allows me to live in the same city as my wife, who teaches at Carleton University. So I was flying back and forth to do this trial preparation.

Before trial, however, NYU settled the case by paying me a financial settlement and by withdrawing the denial of tenure.

**M:** For you it wasn't a question of the size of the settlement.

**J:** This was a solution for me personally at the time because they essentially admitted they had made a mistake. Unfortunately, labor laws in the U.S. have no teeth, and the maximum amount of money that I could have been awarded in the end—that would have been in about ten years after they appealed it all the way through the courts—is the amount of lost salary between the new job I had taken and what I would have been paid at NYU. Going through the NLRB there would have been no punitive damages and no legal fees returned back to the union, so it seemed to me that the point was made.

**M:** So part of the settlement negotiation was trading off the size of the settlement against keeping your right to talk about the incriminating materials that you and the union discovered in connection with the case.

**J:** I particularly wanted to retain the right to speak on this topic and write about this topic.

**M:** Some of the NYU internal documents that you uncovered in the process of preparing for trial were extraordinary. Could you tell us some of the startling statements by administrators that you uncovered?

**J:** The now most famous of the emails that has been around is one that Dean Ann Marcus wrote regarding non-tenure track faculty, saying, "we need people that we can abuse, exploit, and then turn loose."

I think what's extraordinary about these statements is that they were circulated on email, where there was an excellent chance they could be recovered. What's not extraordinary, unfortunately, is that these kinds of conversations go on all the time.

**M:** That's right. She also wrote to other administrators, nominating one to be "leader of the NYU union-bashing negotiating committee." And then she wrote about you personally, writing that you should be required to share an office with another left faculty member, and call it the "V. I. Lenin suite."

**J:** She actually had a meeting with that other faculty member and explained to him—in a surreal moment—that she meant that as a compliment, that she admired Lenin's achievements! The other faculty member is a historian and he felt the need to remind her that Lenin would not have been supportive of academic freedom or of graduate student organizing.

The other memo was in connection with an effort to keep union members from speaking at a faculty meeting.

**M:** What do you think of the personal character of some of these assaults? A position for you that is intellectual, a matter of political commitment—I doubt very much that among your motives for supporting the organizing and unionization of grad employees is some kind of animus against individual members of the administration.

By contrast, it seems clear that individual members in the administration single out individual students and supportive faculty members and take aim at them personally, on an emotional level—not a considered strategy of "making examples" or whatever. They seem to take offense. They make it a personal matter. What do you think of this administrative personalization of the struggle?

**J:** That's a good question. I think you're on target with something here that is actually an important part of what goes on at organizing campuses. The campaign against me was definitely personal. Certainly it was, on the part of the dean at the School of Education. It was an anti-labor position, but definitely it was personal also in a way I think we all have to understand in order to fight these efforts in future situations.

I think my testimony before the labor board meant something different to administrators at NYU than it did to me. As you said, for me it was a political path. It's something I felt I needed to do, the intellectual expression of my ideas and research in education. For people like us, we're connecting our intellectual life to public events.

I think I naively assumed that the Dean of the School of Education would see it the same way. I didn't even know at the time that I testified that she was testifying on behalf of the university against the graduate students in the trial. But when I found out, it didn't bother me in the least—I mean of course she

would, she's an administrator and she represents the university administration's interests. I don't even know what her personal views are on unionization. But I just assumed, you know, of course we all accept the principles of academic freedom and the right to express one's ideas means that, sometimes, we're going to disagree.

What I didn't realize was the degree to which that kind of behavior on my part was viewed as thumbing my nose at higher administrators. I think they viewed it as a power play on my part, you see, as if I were saying "they can't touch me and I can do what I want."

**M:** This paternalism becomes part of the administrative subjectivity and a closely held aspect of personality.

**J:** Paternalism is a good way to describe it. I remember that, shortly after I testified, I got a letter from an associate dean about something saying that he was "shocked and disappointed" at my behavior. With that kind of language, they were saying they were shocked in the same way a parent might talk to a child. Not, as between adults, "we disagree with this," or, you know, "he shouldn't have done this for that reason." The psychology of the administrators in some of these situations is deeply paternalist.

**M:** Was this experience painful for you?

**J:** It was a big mixture. It was obviously a difficult time, and I wouldn't want to go through it again. On the other hand I was really touched and heartened by the amount of support and inspiration that I got from colleagues at the university and scholars around the country.

It was an amazing outpouring of support, a kind of solidarity that I don't think NYU administrators at the time could possibly have imagined and it quickly got well beyond what they were able to control.

They encouraged me to appeal my decision within the university structures not to go outside the university. (In fact the first thing they encouraged me to do was to withdraw my tenure bid "for my own good," so I wouldn't have the "embarrassment" of being denied tenure on my CV and of course, then I also wouldn't be able to appeal or take legal action—which was naturally in their interest, not mine.) I chose not to do that.

Instead, immediately, I made this whole issue public. I don't think they were expecting that.

**M:** What are the consequences of cases like your own for organizing and for the experiences of junior faculty throughout the academy? In your view, how is your case being digested or experienced by others?

**J:** I have an optimistic answer and a pessimistic answer. Let me give my pessimistic answer first. The pessimistic one is that, sure, it has chilling effects when someone is retaliated against. It makes junior faculty members—regular faculty members as well—think twice before expressing their views on a particular issue in fear of retaliation.

My optimistic answer, which I would like to put more stock in, is that the amount of support that I got and the degree of success we had in the case, would, I hope, encourage junior and senior faculty members to stand their ground on issues that they feel are important. At least in the end—sometimes—justice is done.

But that of course is not enough. I would never advise anyone to do something like this based on the idea that it is going to turn out right because things don't always turn out right in the end. I think it was Vaclav

Havel who said that hope does not derive from working towards something that you know is going to meet with success—I'm paraphrasing here—but rather from the knowledge that you are doing the right thing.

I think we all joined the profession of higher education, teaching and doing research in pursuit of ideals of academic freedom and intellectual inquiry. Those are the ones we need to stand by. If you give those up you're really in a different profession.

**M:** In the essay, you say you'd do this again. Would you do it differently knowing what you know now?

**J:** I probably would be less naive about the ferocity with which the administration defends its position. I would be much more aware of my risks, and would keep much more detailed records. All kinds of things. I was very lucky in the amount of material I was able to amass regarding the administration's position, and I was lucky with the general facts of my original tenure case which seemed so clear cut in relation to my chances of promotion, at least to everyone outside the administration, especially the national labor relations board.

I would go into it a little wiser. I would make particular decisions around the case differently. I think I would have pursued very similar lines of action, but have been more aware of the consequences of what I was getting into.

**M:** What if anything would you ask from the NLRB in the future? How has your experience, with the degree of recourse that you have, and so forth, helped you to formulate a vision of changes in labor law and the public institutions devoted to workplace issues?

**J:** In the United States, labor is under continuous political attack from the public administration and unfortunately is losing ground. I'm not a labor law expert, but the main problem with labor law that I see is that there is no teeth to the law, there is no ability to assess punitive damages, to collect damages that are assessed, to collect fines, to force any corporation to pay for legal fees. The findings against employers provide no disincentive whatsoever against breaking the law in the future. There is little effective recourse. Secondly, labor law is a difficult field to practice. Labor lawyers are hard-working and want to do the right thing, but generally so poorly paid and overwhelmed by the magnitude of the task that they often work at it for four years or less. I mean, it's demoralizing. Lawyers working for labor are really understaffed and overworked. People end up leaving and going on to better things.

It's a real shame that there's not a stronger backbone for labor across the country.

**M:** In the aftermath of the successful organizing drives at NYU both for graduate employees and adjuncts, there was a huge growth in organizing at private universities, such as Cornell and the University of Pennsylvania. I wonder if you have thoughts about the recent set backs in the organizing at Cornell—the failure of a card drive—as well as the surprising results of a recent interim poll conducted at Yale, indicating less support for unionization than expected.

Do these setbacks have some significance for organizing at private universities in general or are they just bumps in a long road?

**J:** The most recent poll at Yale, I actually think is not significant for all the issues we're talking about and I'll tell you why. As far as I read the situation, the graduate student union had I think 850 pledges to vote yes cards and only 600 or so of those people went out to vote. I think people just weren't taking it seriously. I think the union basically just didn't get out the vote. It was a strategic mishap, but not one that signals any falling off of support for unionization.

The graduate students voted overwhelmingly for the graduate student union in 7 out of 8 divisions in the university. The one division where the vote did not go for the graduate student union was in the Life Sciences, which has been historically a difficult area for the struggle. Strongly anti-union faculty throw graduate students out of the labs and retaliate in other ways. It's in that division where most of the no votes were cast and the administration did a good job of getting the anti-union vote. I think it was unfortunate but not really indicative of what's going on at Yale.

**M:** You think reluctance to support unionization in certain sectors of the graduate employee population such as the Life Sciences is related to the structure of the employer/employee relations between faculty and students, which increases the likelihood of retaliation?

**J:** Absolutely. In the sciences the faculty member has far more control over the content and completion status of your dissertation. If they kick you out of the lab, you are basically starting from scratch after three or four years of work. There is also the fact that graduate students in those divisions can be less interested in the union partly because they are better paid and partly because their work conditions are better. The job is not the same. Things are not the same for them as they are for graduate employees in other parts of the university.

**M:** They're a labor aristocracy on a small scale.

**J:** On a small scale, exactly. Of course universities have worked quite hard to get the NLRB to recognize these anti-union divisions of graduate students as part of the union, after first fighting to bar all graduate students from being part of a union.

**M:** Right.

**J:** I think that there is a deeper problem represented by this Yale incident across the country both for graduate student organizing campaigns and faculty organizing campaigns.

I don't know what to call it other than the pervasive culture of American individualism which permeates not only every other sector of society but academia as well. It goes something like this: "we are working in a merit-based system, and if I do my job correctly—if I'm a good graduate student and I'm smart and I do my work well, I will therefore be rewarded with a plum teaching assignment later on in life and I will be part of the academic elite and get a job."

The ability for the American culture in general to promulgate that vision of merit-based rewards has created a system where collective action is hugely de-emphasized.

People feel they don't need to work for other people, or to fight for just working conditions, for collective betterment, for workplace democracy, and so forth.

**M:** You see the fantasy of merit as a great loss to everyone, including those dubbed "meritorious."

**J:** It's an unfortunate state of affairs for two reasons. One is economic and political. The simple reality is that for the majority of disciplines the claim that the system is merit-based is just not true. There are vastly more qualified, hardworking individuals than there are academic positions for them to fill. At a certain level of proficiency, it becomes the luck of the draw.

But there is a much more insidious cost of individualism. Unorganized faculty and graduate students are missing out on an extensive opportunity for what has provided meaning to millions of people who have come before us and that is: coming together with other people to work for something you care about.

That kind of collective action or activism is something that has sustained and driven individual people and has been rewarding to them in all kinds of arenas throughout the nation's history. It is being diminished and replaced by a false sense of our ability to have individual success and a sense of meaning.

I'm not expressing myself very well.

**M:** No, I think you're expressing it beautifully. In literature we talk about the ideology that you are describing as one of the core tenets of realistic narrative. That is, narrative on television or in novels gets recognized as "realistic" precisely because they embody the dominant principles of possessive or striving individualism. Including the claim that a person's material conditions reflect their moral conditions (or their merit).

So that of course the persons who are socio-economically on top appear to have earned their way into that position.

And almost any other set of claims figures as unrecognizable as "realistic." Collective realities figure in tv or mainstream novel as somehow unreal, or they're—literally—unrepresentable in the genre.

**J:** Yes. Yes. There's a terrific speech on the West Wing where a character asks how is it possible that all of these people can be voting to repeal the estate tax when it so obviously advantages millionaires and is completely against their own interest.

And Martin Sheen, playing the president, says that it's because deep down in their hearts they all want to believe that one day they'll become one of those successful and privileged people.

I think I see the same condition in faculty. I think it is more pervasive in the university. This rock star model of academia where people going into graduate school believe their hopes for professional happiness lie in their recognition for their individual work rather than collective action.

There are a handful of faculty to whom that happens and I'm sure it's an enjoyable life, but the reality is that for most of us that's not going to be the way we spend our professional lives. The incredible joy and meaningfulness that comes from working in collective action is lost. And the absence of that in the working lives of many academics is a tragedy because that's what keeps us going.

**M:** It's hard to maintain passion about your work when it's reduced to a vehicle for your individual career.

**J:** Exactly! I was at AERA [conference of the American Educational Research Association] at a terrific session where Bill Ayers was interviewing Studs Terkel who is I think in his 90s. At one point he asked Studs, who's now completing another book, what keeps him going.

In fact when asked to do the session, Studs said, "Bill, I can't. I've got this book and I just don't have time, I'm really under deadline for this book."

And Bill said, "What's the deadline, when do you need to have it by?" and Studs said to Bill, "Bill, I'm 92 years old; I'm the deadline."

But he did agree to do the session and in the middle Bill asked him what keeps you going and Studs thought about it for a minute and he said one word: "Activism."

And you can take that to mean a number of things, but I took it this way—being an activist, you get to work as a part of something bigger than yourself and that's where a lot of meaning comes from in our professional lives.

And I think this kind of trend towards individual achievement and individual reward is a direct attack on a kind of contentedness that can come from working together on meaningful projects.

**M:** This leads into talking about some paradoxical realities for educators. On the one hand, as you so clearly lay out, the whole system of education, K-12 and higher education together, actively manufactures this ideology of merit and striving or possessive individualism.

On the other hand, paradoxically, teachers are among the best organized laborers in the United States. Schoolteachers certainly, but also higher ed. In public universities nearly 2/3 of faculty are organized. Nearly half of all higher ed faculty overall really. At minimum they are three times more likely to be organized than the average American worker at this point in time.

On the one hand, ideology factory for individualist striving. On the other hand, well organized on their own account, at least by comparison to the average worker.

Is there any way of negotiating that particular paradox in your mind?

**J:** Before we get to that let me just turn it around because I'm kind of curious why you think the private universities are less well organized.

**M:** That's a good question. I think it has to be culture and the law together, maybe in equal parts. The law, especially Yeshiva, had a very chilling effect right at the moment when academic labor organizing was peaking elsewhere in the public sector so I think a lot of private organizing was stillborn at that moment.

That could be turning around now.

**J:** Administrations have been trying to get the message across that unionizing and organizing is the antithesis of intellectual life. As if crass power interests come into play instead of lofty scholarly work.

I think some of the faculty are finding out the opposite is true.

You take away enormous power differences that keep faculty from free intellectual inquiry through organizing. Unionism has the effect of freeing intellectual inquiry especially for junior faculty in a way that is difficult to achieve without organized unions.

People are getting to realize that unionism is not the competition to intellectualism. One of the promises of collective action is getting beyond these false divisions.

**M:** It's a little bit like the contradictory subjectivity of the armed forces, in which you find all of these socialists who don't recognize themselves as such. These soldiers, who give their lives to export and enforce capitalism, expect massive social support in the way of day care, housing stipends, below-market food and goods, education, health and retirement benefits.

**J:** Right.

**M:** It is quite clear that the graduate employee union is the most vigorous and interesting sector of academic labor organizers at the moment. On the other hand it is also not the whole labor movement. There is the continuing organizing of unorganized faculty, especially at private campuses; there is the organizing of adjuncts and part-timers and non-tenure-track lecturers.

There's also the continuing work of established academic unions, the representation of the already organized.

What is your sense of the relationship that needs to be created between these different sectors of academic labor? What's wrong with the relationship as it stands now if anything?

**J:** I think this comes back in part to what I was saying about the idea of being star faculty, which is more emphasized in some areas of the academy than others.

The tenure track faculty need to recognize that their future is inextricably bound up in the future of adjunct laborers, graduate students and part-time faculty and non-tenure-track full-time faculty, which is a hugely growing sector of academic labor.

I think we all need to realize that our collective work lives, our professional lives at the university are all bound together. The circumstances of adjunct and graduate students relate to the circumstances of the tenured faculty: senior faculty get to teach lower level work loads and to teach only the courses that they want to; they can go on sabbatical and be replaced by an adjunct professor—who is making \$2,000 a course.

It can also be turned around. Once it's clear that a senior faculty member can easily be replaced by a temporary part-time laborer or an adjunct or a graduate student making a fraction of their salary, it's clear that the teaching that the senior faculty does is devalued. With the financial incentive to replace their teaching by a much cheaper employee, their scholarship is also less valued in the university.

Our futures are linked together. I would extend that far beyond just adjuncts and graduate students to janitorial and secretarial labor, so we should all fight in concert for a just work environment, a more just and productive place to work.

**M:** One of the things that the NYU case makes clear is that the university employers are very aware of their community of interest. The different schools actively collaborate—they support each other financially, with tremendous vigor and aggression. Their apparently individual labor struggles are really collective activities, involving the sharing of knowledge, experience, funds, high-powered attorneys, and so on. They have seminars together and file briefs on each other's behalf. They work actively with another in order to divide and contain the labor movement.

It seems to me that what you're saying is that the academic labor movement does not have quite as clear a sense of their community of interest.

**J:** I think that university employers have been extremely successful in accomplishing what I talked about before which is an individual entrepreneurial model of academia and I don't think that university administrations suffer from that notion.

Faculty and adjuncts and graduate students, the people with the least power in the university still suffer from the illusion that they can go it alone.



I don't think university administrators suffer from that illusion at all. They know that they need to pool their resources to engage in this and they're right.

**M:** Your research is in democratic education. What's at stake in democratizing our schools?

**J:** Let me just pursue a tangent, still on the university, for a second here. I think that if we as faculty and organizers come together with the idea that if we could just get university administrators to relinquish the reigns of control and free the democratic deliberation and decision making process that all will be right with the world, we're mistaken.

One thing that is going to be needed is a culture change and a more holistic approach to our work, where what we write about is also what we practice and strive to experience in our daily lives. This means increased civic engagement and political participation in working to improve society.

**M:** So what are the issues that connect the movements, from the K-12 education and higher education? How would you start to build an ensemble of relations between the groups and sects of activist and democratic communities in both areas?

**J:** I think we need to be working in both places. The historic ideal of education in the United States as a way to preserve and promote democracy or the democratic society is one that we really need to recapture. It's an ideal that John Dewey laid out and many others have laid out for education; and it is one that I think is crucially important especially in these times when all kinds of civil freedoms are threatened.

Both K-12 and higher ed have a critical role to play in the creation of a society where there is democratic deliberation and democratic participation and one of the ways it's actually done is starting from the institutions themselves.

K-12 and higher ed as institutions both need to reflect the kinds of democratic ideals that we want to see in the broader society.

**M:** It seems to me though that there's a gap between the kind of education, education for citizenship that you describe in the Dewey tradition and the actual practices of service learning in which, so often, students are just farmed out as cheap or donated labor.

**J:** Yes, unfortunately some of service learning has moved in that direction. As an umbrella concept, service learning has a promising potential to move education in the direction of democracy and active citizenship.

Too often it means primarily that we want citizens to be honest and to show up at work on time, be nice to their neighbors and to give blood. These are nice things, but they're not about democratic citizenship. The "thousand points of light" are all very well when you're talking about volunteering but if you're only talking volunteering separated from a critical sense of justice and a better future, what you're really talking about with the thousand points of light is a thousand ways to conserve the status quo. So really what we want to ask ourselves is what are the traits we want in future generations of democratic citizens?

Democratic citizenship means to me citizens with the ability to examine, explore, and critique social policies and social institutions with the goal of improving society. I think that some service learning programs do that but not enough of them.

**M:** To what extent can schools support a democratic citizenship in the context of increasing corporatization?

**J:** I think that the political right in the country is incredibly successful at portraying the purpose of education, K-12 and higher ed, as a giant job training institution, whose goals are to prepare students for the work force.

Many things follow from this, not the least of which as an incredible impoverishment of education.

You end up looking for mere outcomes that can be measured in a way that a corporation or factory looks for ways to improve efficiency and so forth.

If you see the outcome of education as being an employable workforce that meets the needs of American corporate interests then what you have is a very different agenda for education than the progressive tradition.

**M:** Now that you live in Ottawa, what differences do you see between the Canadian and U.S. education practices and academic labor circumstances?

**J:** There are of course many similarities as well as differences, and many troubling trends appear in both places, such as the massive defunding of education in Ontario, but there are some very distinct differences that I've noticed.

Most of them fall into a category that I would say was a sort of generally freer attitude toward discourse that surrounds conversations in the newspapers, television, among colleagues in higher ed—but also among people in the streets.

The public discourse allows for talking about of ideas especially regarding systems of social organization that somehow seems more suppressed in the United States and I'll give you an example. When I first began reading Canadian newspapers, I was shocked to read in a mainstream national newspaper a critique of capitalism.

What struck me about that is how surprised I was. I mean you don't see this in the *New York Times*.

In the *New York Times* capitalism is called "the market" or "the economy." There's no sense that we could talk about the pros and cons of it. It's just there.

And here in Canada that is not quite as true. There is a discourse around the idea. For example, you might in the mainstream press read that "capitalism is a system that has many benefits and many problems that need improving."

That's something that's quite refreshing here. In addition this sort of extreme individualism that I talked about in academic work—of course it exists here as well, the idea of the individual, but not with the same force. There is a greater understanding of the need for more collective undertaking and for more organized social projects that help improve all of our lives.

**M:** So the final question I did want to ask you is to imagine someone who has been a graduate employee, someone who was involved with a union or organizing campaign, has taken a degree and persevered for perhaps a year or two—and has eventually found a position and is now an assistant professor.

What sort of lessons do you think your experiences have for that graduate employee activist who has recently turned into a new assistant professor?

**J:** I think as you know I would never ever advise someone who sees an injustice while they're an assistant professor and wonders, should they confront it, I would never say yes, you definitely should speak out about it. It's a very personal and individual decision with risks and benefits that have to be addressed specific to the situation.

But I do feel comfortable saying, be careful—if you want the freedom to express ideas—of delaying and postponing that kind of work because if you spend long enough postponing that kind of work—and I don't think it takes that long—you forget how to do it.

There's always another carrot that is dangling somewhere out there. First you need your mentor's recommendation. Then you have your first academic position and tenure. Next it will be a full professorship you want. Then it will be your own center or some other favor from the dean.

We can't live our lives that way. I would never advise someone to do anything, any particular thing in a given situation that might have them risk their job. But I would ask that people think carefully about how they want to function in their profession and take action toward it.

**M:** Joel, that's great. Thank you for this.

**J:** Thank you, Marc. I've really enjoyed it.

*This interview was conducted by telephone on May 6, 2003. It has been edited for length. Special thanks to Stacy Taylor and Chris Carter, both of the University of Louisville, for transcription services and additional editing.*