

From Both Sides of the Bargaining Table

Collective bargaining does not belong in the education setting; its rituals are at cross purposes with the ethics of enlightened educators.

STANLEY CHERIM

After nearly a month of no classes, the "labor" dispute at our small community college has finally been resolved. It has been called a strike by some and a lockout by others. The distinction hardly seems relevant to anything now. What's left is a feeling of relief as well as a sad realization that all of us have lost something from our storehouse of priceless intangibles such as trust and mutual concern, and a growing conviction that there has got to be a better way of solving our problems.

Since I am, on the one hand, a full professor and member of the faculty association's negotiating team, and on the other hand a member of the board of trustees for several schools, I have had the rare opportunity of sitting on both sides of the bargaining table. With these credentials to establish my ability to evaluate dispassionately the impact of labor unionism in my academic environment, let me offer first a definition of our malaise, called the "adversarial system" of conflict resolution. I refer to it as the adversarial system simply because it's a more honest term than collective bargaining, which, in many schools and colleges, is actually an intricate, psychological war of wills between self-interest-

ed adversaries. At best, the value of the adversarial system of resolving problems between faculty and administrators is vastly overrated. At worst, it can have a devastating effect on human relationships.

There seems to be a double standard of ethical behavior in our culture that allows the rules that bind individuals to be lifted when people come together in groups. It brings to mind the "herd instinct" described by Aldous Huxley in illustrating how easy it is for a sensitive individual to abandon the constraints of civilized society when the burden of individual responsibility can be lost so easily in the faceless herd.

Yet I still hold fast to the conviction that the ethical standards that govern individuals and which also derive from our human nature, can lead us to alternative methods of problem solving—methods that can preserve and enhance our better instincts toward mutual concern, trust, cooperation, the restoration of the service ethic, and uncompromising professionalism. In a word: collegiality.

One question now haunts us: What ever happened to that collegiality and high-minded professionalism that allowed all segments of the school community to pull together? The answer is obvious and it is sad. An adversarial system precludes alternatives. When you jockey for power in an effort to impose your will in the struggle with the "other side," trust becomes laughingly naive, if not an outright liability. Cooperation becomes a sign of weakness, and cordiality generates its own paranoia;

suspicious minds see a threat in "fraternizing with the enemy."

It is extremely important that I make it crystal clear that my quarrel is with the adversarial system of problem resolution, not with my colleagues. I have enormous respect and genuine affection for negotiators on both sides of the table. But part of my "problem" is that I do maintain respect and affection for those who sit on the other side of the bargaining table. It is not then a matter of personalities of which I can write; I wish to condemn the system we have embraced, which can only subtract from the whole of human dignity. We are all losers because, measuring the adversarial system by the ethical standards we hold as individuals, the bottom line reads that *basically honest people have purposefully distorted their perceptions to such an extent that they have been able to institutionalize dishonesty*. A hair-raising paradox indeed; but the history of human affairs is replete with examples of how easily we tend to justify whatever seems to need justification. If the term paradox can be defined as "standing truth on its head," we have mastered that skill.

I must emphasize also that my disenchantment with the adversarial system is specifically related to the educational scene. Reality is twisted all out of joint when the blue collar model for management-labor relationships is superimposed on the academic community. I am very uncomfortable with the application of psychologically loaded words and phrases that are taken from

Stanley Cherim is Professor and Head of the Chemistry Department of Delaware Community College in Media, Pennsylvania.

the blue collar world and applied to teachers. I resent being characterized as "labor," "rank and file," or one of "the troops." I cannot identify with such jargon as "hit the bricks," "sick-out," "scab," and "cave-in." Nor can I relate to tactics that make ambiguities standard procedure, or that purposefully generate "confidentiality leaks" and rumors. Worst of all is the manipulation of constituencies so that distinctions have to be made between "tactical" reasons and "real" reasons for the actions of the leadership.

"There seems to be a double standard of ethical behavior in our culture that allows the rules that bind individuals to be lifted when people come together in groups."

I write these value judgments with no intent to disparage the industrial union movement. Academicians are neither better nor wiser human beings than blue collar workers—we are only different. We are different, for example, in our tendency to assign a much lower value to the concepts of solidarity and militant activism. The range of temperaments among teachers and administrators is not the same as the factory worker, the supermarket clerk, the truck driver, or the attitudes and values peculiar to lawyers and doctors for that matter.

The basic dishonesty of the adversarial system is built-in by the very nature of this method of conflict resolution. The inherent dishonesty resides in the tacit agreement of both sides to "play the game," a game that can only be played within the bounds of a double standard of ethics. A more chilling reality is that negotiators are put in a position of playing games with people's lives and futures. While the question of honesty may be no more than a desirable abstraction to some, the uncertainty of bread on the table is a grim prospect.

Let us see, hypothetically, how the game is played. Treating the problem of salary, for example, the game plan calls for the teachers union to put a highly inflated dollar amount "on the table" while keeping in reserve a list of sacrificial "trade-offs," that is, inconsequential

demands that may be given up in a hypocritical display of "good faith." The administration teams come on with an absurdly low dollar amount and *their* secret portfolio of "trade-offs." Both sides choreograph a dance of monumentally hypocritical proportions. All this is carried out with a degree of mock-seriousness that strains the concept of credibility.

The next scene in this grand charade is to close the gap until an agreement is reached. This is called a "compromise"—a state in which everyone claims to be uniformly unhappy. The amazing thing about the compromise endpoint, however, is its tendency to become more elusive as the bargaining teams get closer to it. The apparent willingness of bargainers to risk losing many thousands of dollars over differences that are relatively trivial in dollar value is a remarkable act of collective stupidity. There is something bizarre about "good faith" bargainers acting more like high rollers at a craps table.

Another weird phenomenon that leads to bargaining impasse is refusal to modify demands based on *Principle*. You know, "It's not the money, it's the principle of the thing." Now, I regard myself as a man of principle. Indeed, I submit that questions of principle are certainly more important than dollars. However, when people who have knowingly institutionalized dishonesty for the sake of their adversarial gamesmanship talk loftily of principles, I find myself rather underwhelmed by the handling of the ethics involved. The more we anticipate in the game, the more we are confronted with the essential evil of our double standards.

The adversarial system has produced an imbecilic ritual that attempts to codify and glorify the art of lying. The "game" is played according to rules that are anything but democratic. Negotiations necessarily include concern for body language, vocal intonation, facial expressions, the timing of caucuses, and "side-bar" (private) discussions between opposing team leaders. The terms or offers "put on the table" by one side or the other invariably require a caucus in order to scrutinize the wording for hints of ambiguous or devious language. The terms of the desired contract must be kept secret from the constituency. The bargaining teams must be invested with an inordinate measure of power, so much so that people affected by the decisions have

precious little role in formulating those decisions.

Thus far I have portrayed the adversarial system as a quasi-civilized operation. All too often the accepted grand charade of lies and deceit is the best scenario. Given enough time for tensions to mount, we are likely to see "dirty tricks" and bully-minded vindictiveness assigned to personalities. Paranoia easily becomes rampant as rumors and insults fly and the veneer of civilized behavior overlaying the adversarial system begins to crumble. Thus we come to the pep rally-circus format: inflammatory speeches, outright demagoguery, unlawful confrontations with police, brawling with anyone crossing a picket line, threats no longer hinted at but revealed in their basic ugliness, and at the bottom of the pit—personal vilification. At this level we see how adversarial relationships can disintegrate into wonders of 20th century Machiavellianism.

From my point of view as a trustee, I hasten to point out the equal culpability of this side. Typically, the trustee-administration constituency, governed by both good and bad motives (depending on one's point of view), is looking for "labor peace," high quality teaching, and high productivity for the lowest price possible. One suspects that at least two motives include a genuine sense of responsibility to the taxpayers on one hand and an inclination to "put the teachers union in its place" on the other. The latter motive is nothing more than shortsighted vindictiveness; it smells of arrogance and hints at old-time exploitation which has not yet died. One must interpret this vindictiveness, however, *not* as a fundamental trait of "management" who have nothing better to do than scheme and find ways of breaking the labor union. It is, rather, that kind of boorish response that again derives most naturally from the adversarial system itself. That system creates a situation in which any inclination to reward adequately the service of a dedicated, competent, and productive faculty would be interpreted by the faculty union leadership as a probable ploy, a devious maneuver, or simply an inept move in the "game." The system just does not provide any measure of trust and mutual concern that might anticipate acts of sincerity.

Another grievous fault of the adversarial system is that its intricate ritual and the unwritten rules so well known to negotiators, mediators, and arbitra-

tors permit few alternatives. If anything is needed desperately, it is alternatives to the confrontational politics and voodoo mechanics of adversarial methodology. We need to find new routes around the bargaining table—if indeed there must be a bargaining table—that allow for free and open communication.

The most attractive alternative that comes to mind is decision making by consensus. I'm thinking of (and here I reveal my own heritage and bias) the Quaker way of dealing with the business and concerns of a whole institution. However, problem solving by consensus requires a deep reservoir of trust and sensitivity to the needs and aspirations of others. Consensus calls for a gathering of the hearts and minds of people who care for each other. This method works with the understanding that the question of who has the "power" is irrelevant.

Thus far I have not addressed "power" except to mention briefly that it is power that enables one side to think it can impose its will on the other. In a small academic community, the concept of power is a glaring incongruity when we ask what it has to do with the quality of our lives. Although it is possible for ugly exercise in the use of power to come out of a hard-line adversarial relationship, I am convinced that when we speak truth fearlessly and bluntly, power can be neutralized where it is malevolent and given a sense of direction where it is confused.

A goal of consensus engenders a spirit of cooperation and forbearance. It allows for creativity and the exploration of innovative pathways toward problem solving. It is in the consensus method, where trustees, faculty, support staff, and administrators are gathered together in a sympathetic and cooperative effort to realize justice, that problems can be solved and a joyful sense of community maintained.

My vision of something better is not at all utopian. It can happen especially in educational institutions where most of the people know each other. How wonderful it would be if faculty associations became wholly committed to cultural and social projects and fostered a true collegial atmosphere that removed the basic causes for grievance procedures. How civilized, intelligent, and humane it would be if we strived to achieve the best for each other and stopped polluting our school environment with the childish and destructive charade of the adversarial system. **EL**



**Teachers
spend a lifetime
creating in the
classroom.
We've spent
over 80 years
helping them.**

Creativity in the classroom doesn't just happen. Teachers combine years of education and training with years of classroom experience to achieve creative excellence. At Ideal School Supply Company, we've been designing our products to meet your standards of excellence for more than 80 years.

We now offer over 1,000 educational aids — products like English for Everyday Living and Math for Everyday Living where the creative concept is simple but extremely effective. Both apply basic subject concepts and skills to real life situations. Students are able to see a correlation between learning specific skills and their practical applications. Look for these teaching aids on pages C23 and D12 of the Ideal Instructional Materials Catalog.

Let us be a creative resource for you. Send for your free catalog today. There's a thousand new ideas waiting for you.

**Give them an Ideal
Learning Experience.**



Please send my free
Ideal Instructional Materials Catalog
and list of local distributors and dealers.



Ideal School Supply Co.
11000 S. Lavergne Avenue
Oak Lawn, IL 60453

Name _____

Address _____

City _____

State _____ Zip _____

I teach _____

Subjects _____

Copyright © 1982 by the Association for Supervision and Curriculum Development. All rights reserved.