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ABSTRACT

This paper describes the context and conditions leading up to the November 1998 Jersey City Education Association (JCEA) strike, including the JCEA's history, state takeover of the district, and constraints in New Jersey's collective bargaining law that hampered the union's ability to address teacher dissatisfaction with curricular issues that were non-negotiable by state law. The author argues teachers used the contract and strike process to protect their pride in craft. A key aspect of this process was developing a new language and vocabulary to describe the union's role and teachers' needs as workers. The process was influenced by changed relationships between union leaders and teachers and by one local teacher educator's intervention. The circumstances of the strike demonstrate that contract negotiations, even when state law narrowly defines the scope of collective bargaining, can provide a context in which teachers redefine their self-interest. Teachers employ the union as a vehicle for struggle, developing a heightened sense of agency and expanding the definition of "self-interest." They simultaneously inform and are informed by a union leadership they trust to defend their economic interests, in a process that redefines the roles of union, the membership, and individual teachers in effecting school change. (Contains 54 references.) (SM)

AGENCY AND AGENCY FEE:

A CASE STUDY OF THE LIMITATIONS AND USEFULNESS OF TRADITIONAL COLLECTIVE BARGAINING AND THE STRIKE IN ADVANCING URBAN TEACHERS' PROFESSIONAL INTERESTS

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ABSTRACT

The paper briefly describes the context and conditions that led to the November 1998 strike of the Jersey City Education Association, including the JCEA's history, the state's takeover of the district, and constraints in New Jersey's collective bargaining law that hampered the union's ability to address teacher dissatisfaction with curricular issues that were explicitly non-negotiable according to state law. I conclude that Jersey City teachers used the contract and the strike to protect their pride in craft and that a key aspect of this process was development of a new language and vocabulary to describe the union's role and teachers' needs as workers. This process was influenced by the changed relationship between union leaders and teachers, as well as an intervention by the author, a teacher educator in a local university. The circumstances of the strike demonstrate that contract negotiations, even when state law narrowly defines the scope of collective bargaining, can provide a context in which teachers redefine their self-interest. Teachers employ the union as vehicle for struggle, developing a heightened sense of agency and expanding the definition of "self-interest." They simultaneously inform and are informed by a union leadership they trust to defend their economic interests, in a process that redefines the roles of the union, the membership, and individual teachers in effecting school change.

What limitations and potential do traditional collective bargaining and the strike presently have for advancing the professional interests of urban teachers? How do contract negotiations and use of the strike relate to urban teachers' sense of their own capacity to improve the quality of education in their classrooms? What connections are there between the exercise of traditional collective bargaining rights and teachers' collective self-efficacy vis-a-vis the exercise of their classroom responsibilities? This paper uses an unusual strike as a case study to examine these questions.

Using internal union documents, press coverage, and information gathered from interviews with Jersey City teachers and city and state union leaders and staff, this paper presents a case study of the five-day strike in November 1998 of the Jersey City Education Association (JCEA) against the Jersey City Board of Education, which was at the time under control of the state of New Jersey. My theoretical starting point is Poole's conclusion (2000) that although the literature on teacher unions usually poses the relationship between the self-interests and broader educational interests of teachers as paradoxical, as "two different sets of interest demanding the union's resources" (p. 96) they are not constructed as such by union leaders and need not be counterposed, theoretically and in practice. The relationship of these two sets of responsibilities is "complex and difficult to manage" but one does not preclude the other as a concern. It is quite possible to value "quality public education for its own sake because it is right for children and right for society" (Poole, p. 117) while simultaneously supporting public education because it provides the means to support the union and its members. The paper presumes that the "immediate self-interests and the long-term educational interests of teachers are interdependent and complementary." (Poole, p. 117), using Bascia's (1994, 1999)

explanation of the reasons teacher unionism's concern with economic benefits and working conditions is not from an *a priori* standpoint "selfish" and "irrelevant" to educational quality. The practicalities of teaching, like work load, class size, resources, safety and discipline policies, which some might consider minutiae, "frame the nature and quality of teaching and learning, however distant they may appear from the lofty rhetoric of the day"(Bascia, 1998b, p. 555) and hence are legitimate and important concerns for researchers, as well as teachers and their unions.

DATA AND METHODOLOGY

For this case study I analyzed print coverage of negotiations from September 14, 1998, through January 6, 1999. This period covers the time shortly after school opened in September, through the five working days of the strike, November 19-25, to November 30, when teachers returned to school. Coverage of the strike's political and legal repercussions extended through December, so this material was also included. I read over all material three times, the first to establish aspects of the strike that would not be disputed by any parties, for instance the numbers of students in the school system. In the second reading I looked for indications of how union leaders, teachers, and the district understood conditions leading to the strike. I developed a preliminary hypothesis from this coding, which I discussed informally with the union president and several teachers who had struck, as well as one who did not. At the time of my discussions with them, all of the teachers were former students. With their suggestions and factual corrections in mind, I read materials a third time. The periodicals I surveyed include the local newspaper, The Jersey Journal, which provided extensive coverage of the strike as well as negotiations, the Newark Star Ledger, the New York Times, the New Jersey Law Journal, as well articles syndicated by the Associated Press. The JCEA gave me full access to its archives

containing all communication related to the strike, including coverage of the strike sent to the union by a clipping service, its press releases, letters, cards, and copies of email messages, as well as letters distributed by the administration to parents and union fliers distributed to teachers.

My perspective about the strike was influenced by my role as a participant-observer in the Jersey City school system and in the strike itself. In my capacity as supervisor of student teachers in the Jersey City schools I have much informal contact with a dozen or so teachers and administrators. This group includes two union activists, department heads, (who were union members at the time of the strike), and two district officials who supervised teachers and arranged staff development. About one-quarter of the students enrolled in my graduate classes in curriculum and social foundations at the university work in the Jersey City schools. My understanding of issues and of teachers' perspectives in the period leading to the strike is informed by this contact. I do not suggest that this interaction constitutes a scientific sampling of Jersey City teachers, but I do contend that it provides me with access to the "insider" perspectives held by many teachers. In addition, I am sometimes enlisted to provide inservice workshops to teachers in Jersey City, and on the day JCEA members voted to give the leadership the right to call a strike, I conducted an inservice workshop with English and home economics teachers from half of the district's high schools. The session was so unusual that I recorded my impressions afterwards in a memo. On the first day of the strike I wrote a letter of support for the teachers published in the local newspaper (Appendix A) and was subsequently invited to address a rally, which I did not do because it conflicted with my teaching responsibilities. I did send my greetings, which were read from the podium by the president of the faculty union of which I am a member. I also received about a dozen letters and phone calls

from Jersey City teachers, none of whom I knew, in response to my letter. Teachers in one elementary school took up a donation and sent me flowers to show their appreciation for my letter. During the strike I visited two high schools and one elementary school to speak with teachers on the picket lines.

The union has cooperated fully with me in my efforts to write this case study, but the statements and conclusions I make are mine alone.

THE JCEA AND THE CONTEXT OF THE 1998 STRIKE

New Jersey has one of the most restrictive legal frameworks in the U.S. in terms of what can be negotiated by teachers unions. The 1968 law granting collective bargaining rights does not either grant or deny the right to strike; however, when teachers do strike, the courts cite a legal precedent that teachers do not have a right to strike. Teachers are then sent back to work and if they refuse to end their strike, the action becomes a violation of the back-to-work order. Legal restrictions about what can and cannot be negotiated have been established by court rulings on previous job actions and are described in the "Guide to Negotiability" distributed by the New Jersey School Boards Association (New Jersey School Boards Association, 2000). Three categories exist: negotiable items, non-negotiable items, and items that are illegal to have in policy or practice. Class size is not negotiable, nor are "curriculum," "establishment of criteria of evaluation," "evaluative letters of reprimand for teaching staff," "selection and use of instructional materials, textbooks, and equipment," "format and scheduling of submission of lesson plans" and "lesson plans as a criterion for evaluation."

The five-day strike of the Jersey City Education Association (JCEA) in November 1998 occurred almost decade after a Democratic governor, Jim Florio, began a takeover of the district

as symbolic of his "get tough" stance towards holding all school districts to high standards; receivership was continued through the term of office of his Republican successor, Christine Whitman, whose election campaign was energized by voter dissatisfaction with Florio's successful initiative for a tax increase aimed to boost school spending (Corcoran & Scrovronik, 1998). Initially the state takeover went unopposed by the JCEA and the NJEA. Privately a JCEA executive board member acknowledged to me that any apprehensions members expressed about the political implications of state receivership were answered by union assertions that salary negotiations would be easier if the state, not the district, sat across the table in bargaining. Education politics have also been deeply affected by sustained efforts of activists to use the courts to equalize school funding in low and high-income districts.

JCEA is the second-largest teachers union in New Jersey, the largest in the New Jersey affiliate of the NEA, the NJEA. It is an "industrial" union in the historic sense of the term in that it spans job categories and at the time of the strike represented about 3000 teachers and teacher assistants, 200 secretaries, and 300 school aides.[1] It is also an "industrial union" in the sense that its elected leadership rejects the concept of "third generation" unionism, of "professional unionism" that explicitly disavows the use of the strike (Taylor Kerchner & Mitchell, 1988; personal communication with union president). The JCEA has struck four times, including thirty days in 1970. The last work stoppage was in 1976. During the 1970 strike, the present union president, Tom Favia, was one of eleven JCEA officers arrested and he served 25 days in jail. The JCEA was the first NEA affiliate to have members jailed for striking (Joseph, 1998b).

Favia and NJEA staff I interviewed saw the initial stage of the state takeover, under a superintendent appointed by the Democratic governor, as reasonably productive. One reason

they gave is that the first superintendent, appointed by a Democratic governor, understood the needs of urban school districts. Unlike Newark and Camden, Jersey City never experienced rioting in black ghettos in the 60s and 70s, although it had and still has segregated neighborhoods of poor African Americans. A common explanation for the absence of violent strife is that the Democratic machine in Hudson County was permeable to African Americans in a way that other Democratic organizations, in Newark's Essex County, for instance, was not. "White flight" did not occur in Jersey City, as it did in Camden and Newark, and Jersey City is still perceived as an "ethnic town," as an NEA staffer who once lived in Jersey City described it. A comparison of census figures and school enrollment statistics shows that neighborhoods are more racially diverse than are the schools, probably because many European-Americans are Catholic and send their children to parochial schools. The NJEA staffer who was raised in Jersey City but is not Catholic told me that when asked where they lived, Jersey City residents typically identified themselves in reference to membership in a particular parish, not by their neighborhood or street. The city has no residency requirement for public employees, but at the time of the strike about one-third of the Jersey City teachers were residents of the city; others who live in the suburbs remain close to family who remain in the houses passed on for two or three generations (personal communication with NJEA staff). It is not unusual to find teachers who have in their classes children and grandchildren of former students.

School politics reflect the politics of Hudson County, infamous for its machine. To paraphrase a university administrator, "If politics is an art, then Hudson County is the Louvre." Jersey City has seen extensive development on its waterfront in the last decade, but to a great extent it has retained its working class character, in contrast, for instance to neighboring

Hoboken which has gentrified quite rapidly and is now considered by realtors to be a bedroom community of Manhattan. In the past decade Jersey City absorbed new waves of immigrant families, especially Central Americans, Coptic Christians from Egypt, Pakistanis, Filipinos, and Indians. More recently the city schools have begun to serve immigrants from the Balkans and Haiti. However, no single ethnic or racial group constitutes a numerical majority in the city or the school system. In 1998-99, the district enrolled 32,516 students. State figures give the 1998-99 breakdown as approximately 9% of the students as White, 40% Black, 38% Hispanic, and 11% Asian (New Jersey Department of Education, 2001). In 1999-2000, state statistics on certificated staff (as opposed to teacher aides) show the city schools employing 1922 people. Of those, 68.% were White, 18.9% Black, 9.4% Hispanic, and 2.8% Asian (New Jersey Department of Education, 2001). Until the state takeover, the overwhelming majority of school administrators in schools and the district office were taken from the ranks of school employees (personal communication with school administrator), and the charge that schools were rampant with patronage and cronyism was a prominent factor in the state's rationale for the takeover.[2] The system had 5 high schools, 32 elementary schools and enrolled about 32,000 students at the time of the strike (Kissinger, 1998).

Following a pattern that is familiar in many U.S. unions, the presidency of the union was passed from one male to Tom Favia, who shared the ethnic identity of many Jersey City residents and teachers, Italian-American. No organized factions exist in the union, nor has any existed according to my informants. I attribute this in good part to a culture of negotiation in the union, not unlike that of Hudson County, that allows activists who have strong but differing political orientations to remain fairly unified. For instance, one member of the board is openly

gay, in his classroom and in the union, and he is involved in high-profile projects involving gay and lesbian youth. A female member of the board has been active in ASPIRA and has numerous connections with Hispanic activists in neighborhood organizations. The union leadership contains two African American teachers on its executive board. Although I have only informal conversations with several African American teachers to support my conclusion, I suggest that they experience the same pressures and predilections about the union and school reform in general that Foster (1996) found in her study of African American teachers' attitudes toward school reform activities. It is important to note, however, that during the strike African American teachers did not cross the picket lines and did not differentiate themselves as a group from the JCEA.

The political face of the state's intervention changed dramatically after Robert DiPatri was named superintendent. In an interview following the strike, DiPatri explained that his role had been to focus the state's efforts on improving instruction. He asserted that the two state-appointed superintendents who had preceded him had mended the system's finances and rid it of cronyism (Newman, 1998b). Commenting about the state takeover months after the strike, the state commissioner of New Jersey who had appointed DiPatri observed that "There was a vague assumption on our part that if we fixed the central office, and replaced the people who were there with good people, those good people would solve the problems of urban education...It turns out to be not that simple" (Newman, 1999, p. 37) . The article notes that there had been "no striking turnaround in student performance. And the state is seen by many residents as little more than an occupying force"(Newman, 1999, p. 37). From these comments, it seems likely that DiPatri's efforts were aimed to raise the indicators of student achievement sufficiently to

claim clear success in improving educational quality in the district, and hence to justify the decision to takeover the school district. He aimed to raise indicators through an increasingly standardized regimen of lesson planning and curricular mandates. Accountability was enforced through surprise visits by teams of administrators, Comprehensive School Assessment teams, termed SWAT teams by teachers (Donohue, 1998). Principals were instructed to keep the visits a complete surprise from faculty (personal communication from a principal). Team members scrutinized the special plan books that teachers were obligated to use and had authority to give teachers unsatisfactory evaluations without discussion or consultation with teachers or school-site administrators. Based on these surprise observations teachers whose performance was deemed unsatisfactory for any reason were given unsatisfactory evaluations that could not be contested within the terms of the contract. Unlike many school districts, including Newark, Jersey City had no provisions in its contract for pre-observation or post-observation conferences.[3] Because of these surprise visits, which DiPatri asserted were essential to maintain accountability, the evaluation procedure became the primary contractual concern of teachers.

THE STRIKE

The strike began on November 19, 1998 and ended after five working days. After the first day of the strike, when violent incidents occurred in and nearby high schools, the high schools were closed. Elementary schools remained open for a half day, with the use of 200 substitutes. The union and district dispute the precise number of faculty who crossed the picket lines, but the number of teachers who crossed the lines was small enough to be inconsequential to the strike's outcome, barely a handful even in the high schools. Moreover, union picket captains reported several instances in which people who crossed the lines on the first day by the

second and third day joined the strikers (personal communication, NJEA staff). The district seems to have been unprepared for the overwhelming support by teachers for the strike, as evidenced by its statement to parents and residents that arrangements were in place to keep all schools open (DiPatri, 1998a). The teachers were joined in the strike by the other bargaining units within the union, representing teachers aides, teachers assistants, and secretaries. Sanitation workers in the city refused to cross teachers' picket lines to pick up garbage in front of schools, and JCEA received numerous letters and public statements of support from local unions, including neighboring AFT and NEA affiliates, as well as AFL-CIO unions. Jersey City has two separate outlets for parent involvement. One, a citywide organization of parents that was led by parents close to the Republican Mayor and a few African American clergymen who had supported the candidacy of the Republican governor, Christine Whitman, did not support the strike. The other outlet, local PTAs, were strong, public advocates for the teachers and opponents of DiPatri and the district.[4]

JCEA and NJEA lawyers contended that teachers had the right to strike, an argument the judge rejected. As the New Jersey Law Journal reported, "[Judge] Greenberg did what judges have been doing since 1968," citing a court case that "made it clear that public school teachers [in New Jersey] do not have a right to strike" (O'Brien, 1998, p. 8). The judge ordered the teachers back to work, fining the union $100,000 a day for defying the back-to-work order. On the fourth school day lost, "Greenberg turned up the heat further, signing his order stating that any union member not back in school by Monday after Thanksgiving weekend would be deemed to have resigned" (O'Brien, 1998, p.8). Union lawyers observed that the threat to fire the teachers was a gun pointed at the teachers as well as the district because the order was clear

that if the strikers were fired, the judge didn't want to see the district coming back after a settlement and moving to be allowed to rehire everyone (O'Brien, 1998). In a marathon bargaining session, the JCEA and district reached a tentative settlement on Wednesday before Thanksgiving. It was approved by union members in Sunday ratification meetings. Aides voted at one location; 200 secretaries voted at the JCEA office; and teachers in a high school. Of those teachers questioned by a reporter, none said the threat of firing played any part in their votes. "If we didn't get a fair contract, we weren't going back," noted one aide. The ratification vote was overwhelmingly in favor of the pack, which included what is a typical evaluation procedure in many districts and a 12.6% salary increase over three years, along with some extension of the school day and the school year. The vote in favor of ratification was 1778-93 for teachers; 278-6 for aides; 173-3 secretaries (Park, 1998a, p. A1). Teachers returned to school on Monday following Thanksgiving, under terms of an agreement that were widely acknowledged to be a victory for the JCEA because of the new evaluation procedure that was negotiated. JCEA seems to have won the argument about what the strike was about: Press coverage is fairly consistent in portraying the strike as being about unfair evaluation procedures and lack of respect from the administration (Kissinger, 1998a).

ANALYSIS: USE OF THE UNION AND THE CONTRACT TO DEVELOP A VOCABULARY TO DEFEND TEACHERS' 'PRIDE IN CRAFT KNOWLEDGE'

My interpretation of the events leading to the strike is that as teacher dissatisfaction mounted, so did pressure on the JCEA leadership to act in their defense. Unable to exert political influence on the state-appointed superintendent, the JCEA and its members turned to contract negotiations as an avenue of struggle to protect teachers' authority to make decisions

about how and what to teach. Teachers turned to the union to protect what they experienced as an assault by an outsider on their "pride in craft knowledge" (Metz, 1987). JCEA president, Tom Favia, realized shortly after teachers returned to school in September that to lead "you have to be out in front" (personal communication with NJEA staffer). He responded to teachers' frustration and anger by adopting a more militant stance in negotiations, and he simultaneously positioned the conflict differently, integrating issues that are generally considered professional concerns. This shift is quite apparent in the press coverage of negotiations. An article on September 14 (Joseph, 1998f) gave no indication that the JCEA would press for relief from any of the non-monetary issues that were troubling teachers. In fact, the article quotes Favia as identifying privatization and lengthening the school day as the issues that were most pressing. Even at this early stage the JCEA made clear that its main issue was not money. The negotiator hired by the Board of Education noted that the two sides had an amicable talking relationship, and that while the expiration of the contract on August 31 was a cause for concern, this had happened before. One indication that the terrain had changed from previous years was Favia's comment that "It's not always about money... Everybody wants teachers to work all summer. Our teachers work hard and it's a trying day..."

Coverage about relations between teachers and the district appearing October 17 shows a remarkable shift in both tenor and content. The article begins with a prediction that "a teachers strike may be coming" (Joseph 1998), noting that hundred of teachers attended a Board of Education, expressing the need for a new contract, more respect and some sensitivity from district supervisors. Still, the dispute was in good part positioned by the JCEA as a dispute about the form and not the substance of the dispute, with teachers wearing buttons distributed

by JCEA that said "No contract but still working." However, union officials at the meeting expressed sentiments quite different from those in the article September 14, noting that there might be a strike if there was no change in attitude from the superintendent and his staff. Favia is quoting as scolding DiPatri for "'not caring about the children and certainly not caring about the teachers.'" DiPatri called Favia's charge "inappropriate and gratuitous" and asked "What am I supposed to do - open the treasury and say, take what you want?'" (Joseph, 1998, p. A 4).[5]

DiPatri's contention that the dispute was monetary remained unchanged, but the JCEA's position clearly evolved towards a more explicit defense of non-monetary concerns, specifically the evaluation procedure and regulations about lesson planning. [6] On October 26, the Jersey Journal quoted Favia saying "We're asking to improve the morale and professionalism in the district"(Joseph,1998e, p. A1) He says that there are 35 unresolved issues and most don't deal with money. An article October 29 describing the strike vote teachers had taken the previous day noted that about 1700 teachers voted unanimously to authorize a strike if the leadership decided it was necessary.[7] The article quotes a computer teacher at School 28, Tom Cappadona, as being "'really choked up'" at the meeting to see such a show of unity [among the teachers] "not because of greed. We're united because it's more about dignity than about dollars, and we're up against the wall."(Joseph, 1998d, p. A2). Cappadona's comment was shortly thereafter tweaked by an NJEA staff person sent to assist the local (personal communication, NEA staff). "It's about dignity - not dollars" became the slogan for the strike, placed on picket signs and run on every ad, from the first day of the strike. After the vote authorizing a strike if needed, comments by union officers to the press focus on the evaluation procedure and teachers' perceptions of being treated unfairly. Once teachers began their strike action, advertisements run

by the union show an even faster pace of change. Each day the union's description of the conflict highlighted the evaluation procedure and non-monetary concerns more prominently.

Probably the sharpest change occurred between Friday, November 21 and the following Monday. According to several of my informants, this can be attributed in part to the effect of a letter of support that I wrote for the teachers, which appeared in Friday's paper. My letter described the frustration felt by teachers at not being able to serve their students well because everyone was required to be on the same page at the same time; the outrage teachers experienced at not being permitted to exercise their judgment in educational issues; the assault on their dignity as professionals and workers. The day my letter appeared, a union staffer called to thank me for my support, observing that the letter "described better than anyone has" what the strike is about. I was asked if they could duplicate it and use my words. I readily agreed. My letter was subsequently duplicated by the JCEA and distributed to teachers on the picket line. In several elementary schools teachers on their own duplicated the letter to use as a leaflet in their neighborhoods. The language in the JCEA ad on the Monday following publication of my letter does seem to have used much of my letter's content. For instance, it describes "outrageous and un-educationally sound demands that all classes of the same grade be on the same page of every book every day of the year," as well as "negative and punitive evaluations designed to embarrass and harass staff members"and "a complete lack of understanding that the state-mandated requirement that all certified staff participate n professional development activities." The ad concludes that "The list of issues is much longer than this. But, we wanted you to know that these indignities are just a small part of the fear and frustration that reign in our schools." My description of the issues as they were experienced by classroom teachers, which was based on

my involvement as a teacher educator with Jersey City teachers, as well as my personal experience as a teacher union activist, seems to have aided JCEA leaders to position the union differently in the public eye and to explain the reasons for the strike in terms that are strikingly different from those used in most union disputes, indeed in the JCEA's early explanations to the press.

One of the difficulties that Favia says he grappled with as he attempted to position the union to address teachers' frustration was the extraordinary extent to which the conflict was personalized on DiPatri. DiPatri confirmed after the strike that he was the "lightening rod" (Donohue, 1998), but this metaphor obscures the extent to which teachers held him to be the *cause* of the conflict. The article described DiPatri as the former superintendent of Monmouth County's "millionaire bastion of Rumson," a reference that illustrates the saliency of class perceptions among the readership of the Jersey Journal (Donohue, 1998, p. A4). In the same article a teacher is quoted saying "He came in with the attitude that because we were Jersey City teachers that we really didn't know much about education." As this statement illustrates, the hostility to DiPatri personally was augmented by perceptions that as an outsider, a wealthy outsider, he could not work effectively with Jersey City teachers. For DiPatri the conflict occurred because of the job he had been sent to accomplish. He argued that teachers are "feeling the pressure of accountability because I won't accept substandard practices...It's about improved instruction"(A4). In handmade signs on the picket lines and at a march and rally of about 3000 strikers and supporters, DiPatri was the primary target, an object of scorn (Park, 1998b). However, from the outset, Favia considered teachers' focus on DiPatri to be tactically unsound. Therefore, in public statements he did not pick up their attacks on DiPatri. Curiously, Favia

himself was the target of criticism in ads and letters published under DiPatri's signature (DiPatri, 1998b, 1998c). The third day of the strike the school district ran a political advertisement in the form of an open letter to Tom Favia and teachers. Favia was cast as being in control of the strike and strikers: "Tom, you have the authority and power to STOP this STRIKE... [emphasis in original]" "Instruct your Union members" to return to work. "Direct your negotiating team to come back to the bargaining table...Call the mediator, Tom, and let's get the ball rolling again, but first...Stop the Strike! You owe it to our students!" (DiPatri, 1998b).

I suggest that the strike cannot be fully understood without some reference to the personalities of both Favia and DiPatri. As Moore Johnson (1984) argues, "Personalities, styles, and relationships of key actors" are "repeatedly found to be very important in explaining local labor practices" (p. 167). However, it's important to note that Favia resisted having the struggle cast in personal terms, although he acknowledged his responsibility to get ahead of the troops in order to lead. Thus although teachers seemed to have a more difficult time framing the conflict in less personal terms, their anger and frustration pressured Favia to move the union in a more confrontational direction.

CONCLUSIONS

The conflict between Jersey City teachers and Superintendent DiPatri illustrates Metz's contention that teachers react strongly when administrators' strong and pervasive control over teachers' work abrogates "teachers' informal right to determine much of the content of teaching and virtually all of the social relations within the classroom, a right which proves one of the most prized conditions of teaching as an occupation, and a major reward in the experience of

teachers" (Metz, 1987, p. 219). Teachers in the school that Metz studied responded to the assault on their craft knowledge and pride by adopting a defensive stance and construction of a culture that freed them "from responsibility to develop effective teaching and constructive social relationships with students" (Metz, 1987, p.220). They felt helpless to resist or overcome attacks on their performance but protected their pride in themselves by complaining that students were not able to achieve academically.[8] However, precisely the *opposite* dynamic occurred in the Jersey City teachers strike. Teachers responded to what they perceived as assaults against their "pride in craft knowledge" by adopting an oppositional stance. That stance was aided by the presence of a union they could mobilize in their defense and by contract negotiations. Even under collective bargaining legislation that sharply limits teachers' ability to influence craft issues, like planning procedures, Jersey City teachers were able to win a significant change in the conditions that shaped their work lives as teachers. I suggest that this occurred because of collective bargaining and teacher unionism *per se*, as well as to several distinctive characteristics of the JCEA and Jersey City.

First, the city's self-conscious working class identity probably meant that the public was more sympathetic to a union struggle than would occur in many places, including major cities or neighboring communities. Another factor may be that the city's political culture, shared by its labor movement and the JCEA itself, is more inclusive than one finds in many cities. To a great extent, the progressive reforms aimed to "take the politics" out of education and eliminate influences of ward politicians (Tyack, 1974) seemed not take root as fully in Hudson County and Jersey City as they did elsewhere. Indeed, this may have been one reason that Jersey City schools were such an inviting target for the state. What seemed to be "cronyism" and

"favoritism" to the state and reformers was just regular "politics" in Jersey City. Also, because significant numbers of Jersey City teachers live in the city, they remain in social contact with parents of school children. Hence, there was most likely a degree of personal support among parents that is rarely seen in teachers strikes in cities. Class remains a salient, potent force in Jersey City, as was illustrated in the advertisement that the JCEA took out to thank its supporters: "Once again the people have proven that unity and solidarity win the day. Our strike was a strike for dignity and respect...not only for JCEA members, but for working men and women everywhere! (Jersey City Education Association, 1998e). In her history of the AFT and NEA, Marjorie Murphy (1990) argues that as teacher unionism embraced professionalism, teacher unionists undercut relations with community. In Jersey City, a sense of class remained sufficiently powerful, among teachers and residents, to mitigate against the dichotomous definition of professionalism that has characterized teacher unionism elsewhere.

One of the key but unarticulated issues in the strike was race. JCEA membership is predominantly white; the school population is predominantly African American and Hispanic. Although the superintendent made significant efforts to cast the union as being uninterested the education of students, it was unable to generate significant community support for its hard line against the teachers in negotiations. The Mayor enlisted public support from a group of African American clergyman who chastised the JCEA for ignoring their responsibilities to minority children, but this event did not translate into any mobilization of parents. The union sent a few speakers to churches and community groups to explain and defend its actions, but it too did not attempt to mobilize minority parents (personal communication with NEA staffer). In this regard the strike poses important questions for teacher unionists about how to discuss race and racism

when white teachers instruct minority children.

Supporters of progressive educational change often advance the idea of "social justice unionism" as an antidote to conflicts that arise when teachers unions advance the interests of their members at the expense of community interests. A curious aspect of the U.S. variant of "social justice unionism" is that it eschews a class perspective on teachers and teacher unionism, as is apparent in Lowe's (1999) critique of the Chicago Teachers Federation (CTF). Lowe states that the CTF "prefigured the limitations of contemporary teacher organizations by developing a trade-union mentality that focused too narrowly on protecting jobs, raising wages, and limiting effort. In keeping with that mentality it adopted an oppositional stance to virtually all educational reforms, regardless of merit- a hallmark of teacher unions since"(p. 85). In this essay Lowe explains an ideological stance that underlies other discussions of teacher unionism in the book in which it appears, published by "Rethinking Schools" (Peterson & Charney, 1999). One of the most striking aspects of the essays in this volume is the absence of reference to teachers' class interests or the role of unions in defending the class interests of working people. Indeed, "class" is missing as both a word and construct throughout this volume. Peterson's essay (1999) does refer to taxes that come disproportionately from "working people," (p, 13) but with the exception of this one allusion to differences related to social class, "social justice unionism" is described without any explicit discussion of social class interests or differences. A full explanation for this phenomenon extends beyond the scope of my analysis of the JCEA strike, however, I suggest the "trade-union mentality" that U.S. advocates of "social justice unionism" dislike represents a manifestation of the antipathy to class analysis that is a peculiarity of the U.S. political context. Another perspective, one that stands in contrast to the frame that

Lowe and the authors in the "Rethinking Schools" volume use, starts from the assumption that teachers, like all workers, have interests that demand attention and that unions are critical in articulating those interests.

Goodman's analysis of self-interest (2000) is drawn from her work in anti-racist education but it is helpful in understanding self-interest in teacher unionism. She notes that people "are more likely to act to restore justice when there is a clear injustice and when there is a particular set of actions that could correct the injustice. Therefore, it is important that people have specific ideas of how to act that they feel will make a difference. Otherwise they may feel hopeless and powerless and resort to psychological distortion"(p. 1071). The teachers in the school Metz studied responded in precisely the fashion Goodman warns is possible: Feeling powerless, they distorted the characteristics of students in order to hold onto a sense of themselves as competent. Goodman argues against the commonly held negative connotation of "self-interest," which Lowe accepts in his analysis of teacher unionism, noting that these commonly imply that self-interest implies that one gains at another's expense. She observes that it is a "useful, if not necessary, component of motivating people from privileged groups to support social justice." She proposes a continuum of definitions of self-interest and contrasts "individualistic" self-interest on the one pole to an interdependent form of self-interest on the other. The first is "a short-sighted and short-term perspective on self-interest, concerned with immediate benefits, most often material in nature" (p. 1073). Movement on the continuum consists of a more relational view of self-interest, seeing actions as being mutually beneficial. "Work on behalf of others is simultaneously work on behalf of oneself...since our lives and fates are intertwined..."(p. 1074). In the comments of JCEA leaders and teachers reported in

newspapers, one sees the shift Goodman describes, to the interdependent form of self-interest. For instance, after the strike, one union leader was quoted in the Jersey Journal saying that teachers "learned a lesson in democracy that will strengthen the teaching profession statewide and nationally"(Petrick, 1998, p. A1). In a rally of strikers and supporters, several speakers commented on the pride strikers felt in having remained unified in face of threats to their union and jobs (Park, 1998b). Adoption of the slogan "It's about dignity-not dollars" was further evidence of a shift to a conceptualization of self-interest that was less concerned with immediate material benefits and more engaged with social concerns.

Analyzing strategic approaches to involve people from privileged groups to support social justice, Goodman argues that we first need to learn what concerns them. Then we can try to show how those concerns can be addressed by supporting a social justice agenda.. She concludes that what is most important is understanding their viewpoint and speaking to their needs. Articulation of their needs provides the starting point for demonstrating how their needs can be compatible with social justice. Goodman's analysis of the role of self-interest in moving people from groups that are more privileged appears to me to describe quite well the activity of Jersey City teachers in their contract dispute with the state Superintendent. They perceived that the union had defended their economic interests well; indeed, the JCEA never apologized about the need for this role. JCEA's ad on the first day of the strike announced "Jersey City teachers make a professional wage - and we're proud of that" (Jersey City Education Association, 1998a). As teachers turned to the union and the process of collective bargaining to defend the value of their work and their judgement, they shifted their union and their union leadership on the continuum of self-interest that Goodman maps. Bascia (1997) observes that as the level of

union organization becomes more distant, and its "policies more general, the likelihood of a 'match' between the realities of teaching and union strategies diminishes" (p. 446). The "match" between the JCEA and its teachers was obviously very close, as evidenced by the relatively short time it took the union leadership to respond to teachers' anger about the evaluation procedure and their desire to use the contract and collective bargaining as vehicles for their defense.[9]

The strike and the strikers never addressed the complex, underlying issues of urban schools' systemic failure, the issue that the state used to justify its takeover of the schools. Nor did the JCEA explicitly address the district's argument about accountability. The strike and Jersey City teachers moved on the continuum of self-interest that Goodman describes, but not as far as was necessary to make explicit connections between their own situation and that of low-income parents who send their children to city schools. Still, the strike demonstrates the potential of collective bargaining and contract negotiations to alter the way in which teachers describe their work, bringing to the forefront concerns that are generally described as "professional" but are the sorts of bargaining demands that skilled workers bring to the bargaining table, the concerns of craft and craft unionism.

Finally, what effect did teachers' efforts to protect their dignity as workers have on education? Research on collective teacher efficacy, inspired by Bandura's theories, is relevant here. I suggest that Jersey City teachers' defense of their "pride in craft" invigorated their collective sense of efficacy, which in turn increased the individual sense of efficacy and their willingness to grow and learn as teachers. Although I have no empirical data to support my suggestion, empirical work on teachers' collective self efficacy seems germane to this discussion. We know from researchers who developed a survey to measure collective teacher efficacy and

tested it in urban elementary schools in a large midwestern school district that collective teacher efficacy was positively associated with differences between schools in student-level achievement in reading and math (Goddard, et al., 2000). The way that teachers as a group in a school perceive their work influences their perceptions and behaviors as individuals. Theories of self-efficacy explain that a demanding task and external pressures do not necessarily make people feel more or less capable; rather, it is their perception of their ability, their efficacy, to fulfill the demands that is critical. "When teachers believe they are members of a faculty that is both competent and able to overcome the detrimental effects of the environment, the students in their building have higher achievement scores than students in buildings with lower levels of collective teacher efficacy"(p. 503). Warning that other factors influence student achievement and teachers' behaviors, they nonetheless conclude that "teachers' beliefs about the faculty's capability to successfully educate students constitute a norm that influences the actions and achievements of schools"(p. 496). It is possible, even likely, that in mobilizing against what they perceived as their self-worth as teachers and workers, Jersey City teachers developed and asserted their collective efficacy. In so doing they disrupted, at least temporarily, the political, social, and psychological dynamic of "blaming the victim" that frequently causes urban teachers to blame students for academic failure, viewing urban school failure as inevitable and immutable. I have explained elsewhere why disruption of this dynamic is a precondition for urban teachers to work effectively with students and parents because it diminishes teachers' sense of their self-efficacy (Weiner, 1999).

JCEA's mobilization of teachers shows the ability of a teachers union to organize and defend teachers' professional interests. However, the strike also showed the limitations of

collective bargaining as it is presently codified to advance teachers' non-economic concerns, because the union could not directly influence any of the curricular or instructional mandates that made teachers feel powerless to exercise their professional judgement. Teacher unionism's ability to alter the legal restrictions on collective bargaining rests on yet another redefinition of teachers' self-interests, one that retains the saliency of class but includes the more expansive definition of self-interest proposed in "social justice" unionism.

NOTES

1. The term "industrial union" is often used to distinguish the "new unionism" from what is cast as the older, more combative form of "industrial" style unionism. I use the term as it is generally used by labor historians, to refer to the organization of all of the workers in a specific industry, rather than representing workers by craft.

2. An important issue that goes beyond the scope of this paper is why the state decided to takeover the Jersey City schools and not, for instance, the schools in East Orange, which had identical statistics about student achievement. The lawyer responsible for the court battle to equalize funding argues that the takeover legislation was a direct response to a court decision that the disparate educational achievement in low and high income districts was unconstitutional. The state takeover was an implicit statement that reform and improvement could be achieved with no additional expenditures to low income districts.

3. It would be interesting to investigate why the JCEA never negotiated such a provision, which exists in Newark and in most school systems.

4. To my knowledge no analysis has been done of the extent to which either formation was representative of parent opinion.

5. Indeed, even after the strike DiPatri contended that the teachers went out on strike about money (Newman, 1998c), despite considerable evidence to the contrary. "Teachers on the picket line have continually said that fair evaluations and respect-not money-are their main issues," one article reported while the negotiator for the superintendent contended that teachers "are simply holding out for more money"(Kissinger, 1998, p. A10).

6. I should note that the non-monetary demands were, from the start, part of JCEA's bargaining package, and were, according to union negotiators, consistently resisted by DiPatri. It would be informative to interview the district's negotiating team to learn how they perceived the teachers' attitudes toward the monetary aspects of bargaining and the way the JCEA positioned itself in negotiations.

7. To describe in detail my inservice workshop with Jersey City teachers on October 28 in the hours before they took their strike vote takes me too far afield from the topic of this paper. Our discussions had a remarkable intensity and focus, sufficiently so that I took notes afterwards. For the first time in many years of working with Jersey City teachers in workshops of this sort, (the sort that are almost universally held to be futile and still characterize much staff development in large urban school districts), I was able to engage participants in a pointed discussion of their deep beliefs about education and learning, how these are subverted by school structures, and whether the schools do indeed serve students well. The defensive, guarded tone that invariably arises in urban schools when outsiders attempt to organize discussions of this sort, the easy elision to the deficit paradigm when the social context is raised as a factor, were missing.

8. What made their response so unusual was that while the school had previously served low-income students who did not achieve academically it had been reconfigured as a magnet school and the academic abilities of the student body had risen dramatically. Many teachers clung to their previous estimation of students capacity, despite the actual change in students' background and accomplishments.

9.My analysis of the strike does not include discussion of gender because the materials and method I used did not illuminate gender differences. From my stance outside of the union and the strike, there were no perceptible differences in the way that female and male teachers regarded either the bargaining issues, DiPatri, or the JCEA and its leadership. Based on Bascia's work (1998a) about women teachers and their relationship to their unions, I think we can be fairly certain that there were indeed significant differences in teachers' perceptions and the meaning they ascribed to their actions, and one of the limitations of this case study is that it does not address them.

Another factor, which again takes me too far afield from the immediate subject of this case study to explore, is the role of staff in both the NEA and AFT. The AFT is usually the bargaining agent for teachers in urban school systems, and it is something of an anomaly that the JCEA is in the NEA, especially given its early and militant defense of collective bargaining. AFT as an organization is a confederation of locals, and the local retains a significant portion of the dues. In the NEA, a higher proportion of dues money is sent to the state organization, which responds to locals' needs by loaning staff. I hypothesize that because of this difference in the organizational structure of the two unions, JCEA may be less bureaucratic than AFT locals of the same size and consequently the leadership is in closer contact with members. The only full-time organizer is its president and although JCEA does use staff who are not teachers, they are NJEA employees. NJEA staff seem to retain their identity as outsiders who are in more of an advisory role than would local staff.

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Appendix A: "In your opinion" column, Jersey Journal, November 21, 1998

Good reason teachers are angry

Imagine reading a news story describing these conditions in a foreign country:

Everything students learn is dictated by the central government, down to the pages teachers must cover each day. No freedom of choice is given to teachers, even when they see that their students are confused or frustrated or need more help time on some topics and less on others. Surveillance teams are sent to monitor teachers and students; teachers who diverge from what the government says they must teach are given unsatisfactory evaluations and threatened with loss of their positions. Mid-level administrators are told that they may not be present in the district office during the school day, so they are unable to make or receive phone calls from educators in other school districts, publisher representatives, or professors from the local university who aid the school system in staff development. Administrators who are suspected of being too kind to faculty are harassed, stopped in the street during the school day and interrogated about why they are not in the schools.

Communist China? North Vietnam? Singapore?

No. Jersey City.

My work as a professor of education takes me into Jersey City public schools every week and I know from first-hand observation that the conditions under the present administration are sabotaging all prospects of kids in this city receiving a high-quality education.

Teachers are frustrated, exhausted and angry at their treatment, and for good reason. They're being treated like indentured servants who have no choice but to fall into step with educational practices they know are detrimental to kids.

Though the Board of Education's advertisement (Nov. 19) talks about money, all of the teachers I know are focused on their treatment and the way teaching conditions in the district have undercut their chances of helping students achieve academically.

To the board the issue is money, but for the teachers what's put them on the picket lines is something that money alone can't buy: self-respect as professionals and dignity as human beings.

I wish that the union had protested more vigorously in the early days of the state takeover, when teachers saw the harm that was being done in the name of school improvement, like mindless shuffles of administrative personnel, standardized midterm and final exams that reduced their ability to help kids wo needed extra time to learn material.

But conditions have become so horrible now that they realize that they must stand up to the Board and the state government and say "Enough!"

As a researcher I've been studying the developments in the Jersey City schools since the state takeover. But by the time my work is published, hundreds of kids will have been damaged by the policies of the current superintendent and school board.

I'll be on the lines with teachers when I'm not teaching my own students.

Dr. Lois Weiner
New Jersey City University
Jersey City

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