

The 2023 Rutgers Wall-to-Wall Strike

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Last spring, nine thousand Rutgers faculty and grad student workers struck against the corporate university and won. In many ways, the strike marked a breakthrough in the class struggle over higher education. All sectors of the academic workforce—full-time faculty, adjunct (nominally part-time) faculty, grad workers, and post-doctoral fellows—joined in strike action. As one unionist put it, “Our punch was magnified by four because we’re wall-to-wall.” The strikers directly challenged the corporate program for higher education, namely “corporatizing” universities by cutting education and research to hire armies of managers, pay them corporate salaries, and invest in real estate, hedge funds, and anything else that might turn a profit. Tenure-track faculty struck primarily to support gains for the more vulnerable and grossly underpaid adjunct faculty and grad workers. Undergraduate students embraced the unions’ program and provided crucial support. Less publicized was the fact that, unlike other recent higher-ed strikers, the Rutgers workers struck in the face of judicial decisions declaring public worker strikes “unlawful.” In the end, adjunct faculty won a roughly 44-percent increase over four years, grad workers won 33 percent, post-docs, 28 percent, and full-time faculty, on average, 14 percent. Adjuncts and other non-tenure-track faculty, who work on temporary contracts, gained substantial improvements in job security, and grad workers won a guarantee of five years of funding for those admitted 2024 and after.

The Rutgers strike has been touted as a possible model for the future, and my aim here is to explain how the workers pulled it off. First and foremost, they had to transform their unions. Until 2015, the Rutgers unions had been operating as politically liberal business unions, top-down organizations providing expert services in exchange for dues. Instead of building worker power, they relied on professional staff, polite negotiations, and tit-for-tat political lobbying to protect membership interests. Such unions never could have staged a strike, much less a wall-to-wall strike that challenged university corporatization. But over the next seven years, Rutgers workers moved their unions away from business unionism and toward solidarity unionism. In this article, I use “solidarity unionism” as a term for many models of left unionism, including rank-and-file unionism, class struggle unionism, social justice unionism, and Staughton Lynd’s version of solidarity unionism.¹ All of these models embrace solidarity as the core principle of the labor movement, and the story that follows is more concerned with their commonalities than differences. In their present-day forms, each envisions the labor movement as a democratic, moral movement of workers seeking to

substitute human thriving for corporate profit as the goal of economic activity; each strives to unite workers across lines of race, gender, nationality, trade, and industry; each embraces issues of social justice including racial and gender equity as labor issues; and each understands that workers will never improve their conditions unless they find ways to neutralize or work around the crippling constraints on strikes and organizing imposed by capitalist labor laws as interpreted by reactionary courts.

Most models of solidarity unionism arose out of struggles pitting traditional industrial workers against capitalists in the manufacturing, extractive, and transportation industries—the strategic centers of the Fordist, mass production economy. Today, however, the production of information rivals in importance the production of things, and it should come as no surprise that education workers have been in the forefront of the current strike surge. Teachers in Chicago (2012) and Los Angeles (2019) demonstrated the power of solidarity unionism by striking and winning gains not only for themselves but also for the students and communities served by their schools. The stakes are just as great in higher education, where corporate-dominated university governing boards have been shifting employment from tenured to contingent positions not only to cut costs but also to stop faculty from exercising their tenure-protected academic freedom to expose inconvenient truths such as corporate malfeasance, climate change, and the brutal inequalities of race, gender, and class that afflict capitalist America.² As they prepared to strike, Rutgers workers could find inspiration in numerous recent higher-ed strikes, including by adjunct faculty at the New School and grad workers at Temple, Columbia, and the University of California.

So how did Rutgers workers manage to transform their unions from sleepy business unions to solidarity unions? It might seem that they had it easy. Leftists rose to the top leadership of the biggest and strongest local, which covers more than 5,500 full-time faculty, grad workers, and post-docs, simply by volunteering to step up—an unimaginable head start from the viewpoint of solidarity unionists in industries like automobile, trucking, or health care. But this turned out to be less of an advantage than one might think. At the same time that it relieved them from the arduous tasks of building a rank-and-file caucus and toppling an entrenched leadership, it also propelled them into office without a tested core group of like-minded unionists or a following among the rank and file. And when they commenced the turn toward solidarity unionism, they discovered that business unionism was far more deeply rooted in habit, custom, systemic pressures, and law than anyone would have imagined.

Turn Toward Solidarity Unionism

The shift began in 2015, when Deepa Kumar, an Executive Council member who had written a book about the Teamsters' successful 1997 UPS strike, recruited some like-minded co-workers to join in an effort to transform the faculty-grad local. Kumar stepped up to vice president in 2015 and president in 2017, and the union hired several socialist organizers who had the skills and commitment to engage in bold organizing. The Executive Council, previously almost all white, gained a significant representation of people of color. In 2018, as the contract expiration date approached, the union invited Rutgers workers to enlist in a long-term campaign to transform the university and the industry. The key elements of solidarity unionism were highlighted:

Vision. For the first time, the local put forward a contract program that consisted not only of specific demands, but also a core theory of the problem (the ongoing corporatization of Rutgers) and a positive vision of what could be achieved: a genuine university centered on education, independent research, and service to the community. The union carefully detailed the evils of corporatization at Rutgers. As of 2017, about 2,300 adjunct faculty taught 30 percent of the undergraduate courses while management held adjuncts' compensation to less than 1 percent of the university budget. Meanwhile, 206 Rutgers administrators each garnered more than \$250,000 a year, and another 38

reaped more than half a million. Tenure track faculty had declined by one-third, to 30 percent of the academic workforce. Athletic programs sucked in \$45 million a year above revenues for such expenses as paying the football coach \$4 million and hiring private jets for recruiting athletes to serve as unpaid entertainment workers. To remedy this shameful situation, the union proposed redirecting resources to the core missions of the university: teaching, research, and service.

Worker control. Implicit in the vision was the idea that workers are often more knowledgeable and better situated than management to determine policy, not only on wages and working conditions but also on the basic direction of the university.

Wall-to-wall solidarity. The union had previously attempted to counter the corporate attack on tenure by demanding that management commit funds to hire new, tenure-track faculty. But this time, demands were shaped to implement the labor movement's core principle—solidarity. Instead of protecting the tenured faculty as an enclave of decent pay and job security, the union demanded higher pay and increased job security for non-tenure-track faculty and grad workers. Extending tenure-like status to all in this way would reduce the corporatizers' incentive to cut tenured positions and would provide a degree of academic freedom to everyone.

Social justice unionism. The union had long supported racial and gender justice, for example sending buses to DC for pro-affirmative action and pro-choice demonstrations. But political action did not produce progress at Rutgers. As of 2017, the number of Black tenure-track faculty stood at 89 (down from 175 in 1976) and the budget allocation for diversity hiring had been cut to \$0. So the union advanced equity demands, including the creation of a fund for diversity hiring. In addition, the union served as a center of resistance to such Trump administration policies as the Muslim exclusion and the termination of the Deferred Action for Childhood Arrivals program, which delayed deportation proceedings against undocumented immigrants who had arrived as children, a category that included a number of Rutgers students.

Bargaining for the common good. The union maintains that, as the second largest employer in New Jersey and the biggest landlord in New Brunswick, Rutgers has a responsibility to aid its employees, students, and surrounding communities. Accordingly, it has intervened strongly on community issues (for example joining with community groups to oppose the closing of a public school to make way for Rutgers expansion) and collectively bargained for the creation of a Beloved Community Fund to aid employees and community members in need.

Rank-and-file unionism. Prior to 2018, the union lacked an organized layer of activists between the leadership and the base. None of the union's three chapters—New Brunswick (4,300 workers represented), Newark (900), and Camden (400)—had a functioning, chapter-level organization. There was no union department rep (steward) structure, and many Executive Council members did nothing more than attend council meetings, if that. So the union recruited people to fill the chapter officer positions and adopted a strike-readiness plan calling for the creation of a department rep structure, an escalating series of actions, and a progression of benchmarks to test membership involvement.

The 2018-2019 Contract Campaign: Lurching Between Business and Solidarity Unionism

By late summer 2018, the old union contract had expired and the union's officers and Executive Council had endorsed the solidarity program and the strike-readiness plan. But the turn toward solidarity unionism quickly ran into trouble when it came time to put these ideas into practice.

Business union habits persist. To begin with, habits of top-down decision-making, staff-driven organizing, and heavy reliance on professional expertise proved resilient. As of late October 2018,

there was no representative body charged with leading the contract campaign and meeting the benchmarks specified in the strike-readiness plan. Democracy thrived only at the Executive Council level, where the sheer number of issues usually precluded in-depth deliberation. From the viewpoint of many rank-and-file activists, the union was effectively run by a tight-knit group of officers and staff, tagged “Stone Street” after the headquarters location.

All of this happened despite the fact that most leaders and staff were strongly committed to union democracy and the strike-readiness plan. Top-down habits are hard to break, in part because they can be efficient in the short run. It is far less time consuming in the crunch of the moment for expert organizers to do the organizing themselves than to develop inexperienced rank and filers and deal with the experienced ones who have different ideas about what should be done. But solidarity unionism thrives in decentralized small groups defined by geography or common interests, where active unionists develop trust, build solidarity, and take responsibility for organizing their co-workers. Developing such groups takes time and effort—a difficult project for organizers and activists who are already overburdened with urgent tasks.

Nevertheless, it was clear by the end of October that the union would never achieve strike readiness unless the top-down pattern was broken. With a little push from rank-and-file activists, the leadership resolved to form a Contract Action Committee (CAC) charged with directing the campaign between council meetings. The CAC included at least one faculty and one grad representative from each of the three chapters, along with a chairperson and the university-wide president as a nonvoting member. Once the CAC was up and running, a considerable amount of organizing work was decentralized to the chapters and the Grad Steering Committee.

Divisions between grads and faculty. Unfortunately, workplace hierarchies tend to replicate in unions. As of 2018, grad workers made up about 24 percent of the faculty-grad local’s membership, but only one grad served in any of the union’s 14 university-wide and chapter officer positions. Grads had less than proportional representation on the university-wide Executive Council and were rarely listened to. Grads did, however, have something that the faculty lacked: a university-wide, representative steering committee that was not burdened with past habits of business unionism. Throughout the contract campaign, grads provided the largest contingent of member-participants at union actions and consistently pushed for an aggressive approach to the campaign.

Faculty response was mixed. The freshly reconstituted chapter organizations in Camden and Newark had little trouble welcoming grads as leaders. New Brunswick, on the other hand, lacked any operational chapter leadership that could incorporate grad leaders. There, a number of faculty members found fault with the increasingly assertive Grad Steering Committee. From their point of view, the committee resembled a faction that sometimes operated outside the democratic structure of the union. But to many grads, union democracy wasn’t working: They were underrepresented, and most faculty members did not respect their views.

The formation of the CAC ameliorated but did not solve the problem. On the CAC, faculty and grad leaders from each of the three chapters interacted as equals and, with help from a university-wide officer, made decisions for the entire union. This dynamic did not, however, spill over to the Executive Council, where grads presented ambitious and carefully thought-out proposals for action that, in their opinion and that of their faculty allies, were rejected without adequate consideration.

Divisions between bargainers and campaigners. There is a tension between the technical-professional and social movement sides of organized labor. At Rutgers, the bargaining team adopted a professional approach, relying on economic research and reasoned discussion to persuade management. But solidarity unionism thrives on democratic bargaining, confrontation, and impolite exposures of management behavior at the table. During the 2018-2019 contract campaign,

bargainers and campaigners repeatedly disagreed on tactics. Backed by the union's lawyer, most bargainers called for confidential and polite negotiations. They strongly resisted democratic control, arguing that the Executive Council should defer to them because of their collective expertise, bargaining experience, and enormous commitment of time and energy. Campaigners disagreed. They argued that the membership would not understand the need to strike unless management's bargaining behavior could be directly observed by rank and filers and publicized widely. From their point of view, the bargainers were conceding important elements of the de-corporatization program without a fight. This tension exacerbated the faculty-grad division, with the grads and outlying chapters tending to side with the campaigners while faculty members in New Brunswick split on the issue.

In the end, the Executive Council was not willing to override the bargainers, whose hard work and apparent dedication were appreciated by all. The union terminated open bargaining and toned their down criticisms of management's bargaining behavior. Such choices made it difficult to build strike momentum, contributing to the strike authorization vote's barely meeting the minimum target for going forward.

Division between adjunct and faculty-grad union officials. Historically, efforts to achieve wall-to-wall solidarity have often been thwarted by divisions among unions. Usually, it is the unions representing higher-skilled, better-paid workers (traditionally tagged the "labor aristocracy") who reject solidarity across trade and bargaining unit lines. But at Rutgers, it was the adjunct local. At the outset of the 2018-2019 campaign, leaders of the faculty-grad local urged adjunct leaders to join them in aggressive action to improve adjunct wages and job security—a key plank in the de-corporatization program. But the adjunct officers were business unionists to the core. Their greatest achievement in office had been to vote themselves union salaries. Instead of organizing to achieve strike readiness, they tried to win concessions by demonstrating their professionalism to management negotiators.

Upshot of the 2018-2019 contract campaign: Advances on social justice, but ...

In the end, a deal was reached the night before the strike deadline. The union claimed that the workers had won a "historic contract." Had they? On social justice, yes. In the midst of the strike mobilization, University President Robert Barchi had unilaterally announced that he was committing \$20 million for diversity hiring as if the union had nothing to do with it. Nobody was fooled. Instead of deflating discontent, Barchi's announcement forcefully demonstrated to the membership both the power of strike mobilization and the utility of unionism in the struggle for social justice. This victory was inscribed in the contract, which established a process for seeking equity adjustments in faculty salaries and gave the union a role in determining the distribution of diversity funds.

On the other hand, there were few gains on de-corporatization other than improved job security for full-time non-tenure-track faculty. Some grad leaders felt that the union's much-publicized commitment to Rutgers' most underpaid and vulnerable workers rang hollow in light of their modest gains, a feeling intensified by the leadership's decision to launch an electronic ratification vote without any chance for prior deliberation. Worse yet, an essential element of the anti-corporatization program—improvements for adjunct faculty—had been effectively torpedoed by the adjunct leadership's business-unionist strategy. Adjunct faculty reaped just what business unionism sowed: nothing of significance.

From the 2019 Near-Strike to the 2023 Strike

Business unionism is tough to shake in part because it is hard-wired into the labor law, most union bylaws, the professional culture of labor lawyers, experts, and staffers, and—in the Rutgers

case—habits developed during the previous period of low activity. The Rutgers union had made considerable progress on some of these problems during the 2018-2019 contract campaign, but formidable obstacles remained.

Unfortunately, the union made no attempt to sum up the successes and failures of the 2018-2019 campaign. Some leftists did push for a summary, but exhaustion and fears of divisive debate prevailed. As a result, there was no collectively formed memory of the campaign. Instead, subgroups each came away with their own conclusions. As new recruits came on board, they tended to absorb the perspectives of their subgroups, and new experiences were often processed in light of old perspectives. Unresolved grievances and feelings of distrust simmered beneath the surface, especially between faculty and grads. Despite this difficulty, Rutgers unionists did make considerable progress toward solidarity unionism between the 2019 near-strike and the 2023 strike.

Rank-and-file insurgency in the adjunct local. American labor law carves the working class into bargaining unit boxes and anoints a single union as the “exclusive bargaining representative” of the workers in each box. Rutgers workers started out with a big head start on this problem because full-time faculty and grad workers were already united in a single unit—an extremely rare arrangement shared by the Rutgers AAUP-AFT and the Professional Staff Congress of the City University of New York, two of the strongest higher-ed locals in the United States. But adjunct faculty occupied a separate unit, and, as related above, they were stuck with business-unionist leadership.

By far the single most important advance between 2019 and 2023 came when adjunct activists organized an insurgent caucus and toppled the old leadership. They started by running a campaign to “vote no” on the 2019 adjunct contract. Although the contract was ratified, activists expanded their core group and began the process of educating the membership about the bankruptcy of business unionism and the potential gains from a new approach. The campaign served as the launching pad for winning a majority on the local’s Executive Board in the next election. The Board then voted to eliminate the president’s salary, after which she resigned and defected to management. Caucus stalwart Amy Higer was elected president, and the adjunct local transformed from a business-unionist impediment in 2018-2019 to a center of solidarity unionism in 2022-2023.

Pandemic worksharing: Pushing out the walls of wall-to-wall solidarity. Rutgers President Jonathan Holloway—like other corporatizers across the country—seized upon the COVID pandemic as an excuse to cut jobs and wages. The faculty-grad and adjunct unions responded by crafting a worksharing plan, which would have brought in state money, avoided layoffs, and eliminated wage cuts for all but the most highly paid faculty. Holloway bluntly rejected it, so the unions launched an intensive educational campaign. Drawing on an AAUP economist’s analysis of public filings, they demonstrated the benefits of worksharing, exposed the cruel consequences of Holloway’s false austerity for the most vulnerable Rutgers workers, and showed that Rutgers could easily afford the minimal costs of the program. Union members came to see in real time both the evils of corporatization and the enormous potential of union solidarity. Many tenure-track faculty, who were not themselves seriously threatened with layoffs, supported worksharing out of solidarity even though they had to file for unemployment benefits to break even.

In the end, the campaign preserved contractual raises and saved the jobs of many adjunct faculty, administrators, and dining hall workers. Although it fell short of its original goals, it did convince many Rutgers workers not only that the union’s vision for the university was far superior to management’s, but also that full-time faculty could effectively intervene on behalf of more vulnerable workers.

Consolidating advances on social justice unionism. As the Black Lives Matter movement gained momentum in 2020, unionists of color formed a Rutgers AAUP-AFT People of Color Caucus on the

Executive Council to provide leadership for solidarity work. Some white members objected that such formations would be divisive, triggering a debate over the appropriate role of identity-based caucuses in the union. At one point, the discussion became so acrimonious that the leadership had to call a moratorium. In the end, however, the Executive Council and leadership strongly supported the caucus and its work. The union launched a series of well-attended Freedom Schools that took an intersectional approach to race, class, gender, and social justice unionism. Topics ranged from mass incarceration in New Jersey to the nationwide movement to turn back university corporatization.

Countering top-down drift with new bylaws to support solidarity unionism. No sooner had the 2019 contract been ratified than the hard-earned organizational gains of the campaign began to slip away. The CAC, where faculty and grad leaders from all three locations had joined to coordinate organizing, was disbanded. With the demise of the CAC, the old faculty-grad division reintensified. And without the CAC as a leadership center for campaigners, old patterns reemerged. Worksharing negotiations were conducted in secret and, in the view of critics, with too much emphasis on politeness and too much willingness to concede demands without authorization from the Executive Council. In addition, numerous provisions of the existing bylaws obstructed the development of solidarity unionism. For example, grad eligibility for union membership was defined to coincide rigidly with the government-defined bargaining unit instead of shared worker interests. This excluded a large number of grad fellows from membership and union office, even though grads commonly went back and forth between unit and non-unit positions and did much of the same work.

So the union assigned a committee to revise the bylaws. Although there were sharp disagreements along the campaigner-bargainer divide, the committee was able to arrive at a compromise proposal. Major changes included reviving the CAC and making it permanent as the Organizing and Action Team, expanding union membership eligibility to include non-unit grad fellows, and strengthening sectoral representation and leadership by adding directly elected special vice presidents for grad workers, non-tenure-track full-timers, and other major job categories. As it turned out, some of the most effective 2023 strike leaders were elected to office under the grad fellow provision.

Breaking out of bargaining-unit boxes. In 2022, the adjunct and faculty-grad unions launched a campaign to merge the locals. A majority of adjuncts signed merger cards, but management refused to recognize the merger. Around the same time, the biomedical local, which represents 1,300 physicians, dentists, researchers, and health science faculty, indicated an interest in joining with the other unions in a united contract campaign. The three unions issued a joint statement pledging “to work together as ONE FACULTY” and “fight collectively to bring dignity and respect to all faculty, regardless of campus or school or discipline.” Although these efforts fell short of formal merger, they did lay the groundwork for the impressive cross-unit solidarity displayed during the ensuing contract campaign.

The 2022-2023 Contract Campaign

By 2022, the Rutgers faculty-grad and adjunct unions were enormously thicker and more thoroughly imbued with solidarity unionism than the hollow organizations that had commenced the 2018-2019 campaign. With the addition of the biomedical local, the entire academic workforce—nine thousand strong—entered the campaign united. The faculty-grad local’s Organizing and Action Team joined with representatives from the adjunct and biomedical locals in a combined Contract Action Team (CAT), and each faculty-grad chapter formed a multi-union CAT in its location. Business union habits lingered, however, and obstacles remained.

Division between bargainers and campaigners. In 2018-2019, the union had chosen a strategy of polite, closed bargaining, rejecting campaigners’ arguments that tough and transparent bargaining was necessary to build support for striking. But in 2022-2023, the campaigners’ position

prevailed. At one point, management tested the union's commitment to open bargaining by ceasing to bargain. But the union held firm, and a month later the parties compromised with limited attendance by non-bargainers—enough to ensure that management's egregious bargaining behavior could be exposed. My sources attributed the bargainers' new militancy to three factors. First, and most importantly, adjunct unionists joined the bargaining team and combined with grad workers and full-time faculty leftists to push for tough and transparent bargaining. Second, management stiffened the unions' resolve by implementing a strategy of crude obstruction combined with insulting proposals. And finally, the negotiators knew that they had the firm support of the membership behind them, especially after 75 percent of the entire membership (94 percent of the 80 percent who turned out) voted to authorize a strike. Although nonmembers remained a variable, the unions (correctly, as it turned out) counted on the membership to carry most of them along.

Role of Leadership. Solidarity unionism stresses the role of rank-and-file union militants, but there is no denying that the top officers of a union—especially in dispersed units like the Rutgers faculty-grad and adjunct locals—are in a unique position to nurture or undermine it. Since 2017, the faculty-grad union has had three presidents: Deepa Kumar, Todd Wolfson, and Becky Givan. Solidarity unionism would never have gotten off the ground at Rutgers without Kumar, whose accomplishments included, crucially, operationalizing the union's theoretical commitment to social justice unionism. Wolfson, who stepped up in 2019, combined a deep understanding of solidarity unionism with a rare ability—attributed by some of my sources to personal kindness—to bring people with disparate perspectives together. This capacity proved important given that Givan, who served as vice president during Wolfson's term and traded places with him in 2021, came out of the more professionally inclined, bargaining side of the union and did not come easily to strike. Wolfson and Givan could easily have spent much of their terms feuding, but Givan—a strong supporter of wall-to-wall solidarity and the anti-corporatization program—accepted Executive Council votes calling for confrontation with the employer. She set an example for everyone through hard work at all levels, from acting as the union's primary spokesperson to phonebanking. In the adjunct local, meanwhile, President Amy Higer headed a leadership group of 15-20 strong solidarity unionists who had developed trust and mutual respect while building the insurgency that ousted their business-unionist predecessors.

Educating the members in solidarity unionism. Few academic workers have any experience with unions, much less knowledge of strikes or the workers' movement. So the union conducted "strike schools" (borrowing the name from Jane McAlevey) for the membership. Hundreds of workers attended, and my sources credited this with strengthening solidarity and commitment among the active unionists who formed the core of the strike movement. The strike schools, which were conducted routinely and not just when there was talk of strike, covered organizing skills, university power dynamics, strike tactics, and Rutgers finances. As a result, attendees were prepared to understand the issues when the union had to decide between business unionist and solidarity unionist approaches.

Lawyers acting like lawyers. New Jersey courts, like those of most states, routinely enjoin public worker strikes upon request by the employer. This rule is midway between making strikes illegal outright, as under statutes like New York's Taylor Law (which makes all strikes punishable the moment they commence), and American-style capitalist law, under which striking is permitted but only for approved objectives (like higher wages) and approved tactics (like polite picketing outside employer property). As the Rutgers strike movement gained momentum, University President Jonathan Holloway—a onetime progressive who served as a teaching assistant for the radical labor historian David Montgomery—threatened to file for an injunction.

Throughout both strike mobilizations, the unions' lawyer asserted that if the workers struck, an injunction would almost certainly issue—possibly within a day. But when union leaders pressed for

evidence in support of this assertion, none was forthcoming. Luckily, a unionist stepped up and studied 36 New Jersey public education strikes since 1973. He found that injunctions issued in 16. Of the 7 cases where injunctions issued and the outcome could be classified as a union win or loss, 6 were union wins.

Why did the union's lawyer overstate the injunction threat and resist helping the union find a solution? Not because he was sell-out minded but because he was immersed in the professional culture of labor law. Union and management lawyers, who interact repeatedly with each other, tend to develop patterns of resolving disputes that often include a strong dose of professional courtesy. Sometimes, lawyers even substitute their own norms for official law. New York state, for example, has a strong anti-injunction statute in the private sector but—as revealed in a classic study—union lawyers in Buffalo declined to enforce workers' rights under the statute, preferring instead to work things out in orderly fashion with management attorneys.³ The Rutgers unions' lawyer often followed this pattern, including at the moment when management publicly threatened an injunction. Union leaders instantly understood that they needed a public response to stop fear, but the lawyer argued that he should first try to work things out with management's lawyer. Fortunately, this counsel was rejected, and the union issued a strong statement affirming the workers' right to strike and declaring, "We will not be intimidated."

Confronting the injunction threat. With their lawyer's foot-dragging, the unions developed their own approach to the injunction threat. They resolved to expose the evil of labor injunctions with the aim of pressuring Holloway to back off and, failing that, inspiring the membership to defy the injunction or engage in other types of direct action such as sit-ins or grade strikes. The New Brunswick Chapter president organized an open letter to Holloway from prominent social justice scholars castigating him for calling the strike unlawful and quoting Martin Luther King's stirring condemnation of the injunction against the 1968 Memphis sanitation workers' strike as unconstitutional and un-American. My sources agreed that the letter helped to steel the membership against the injunction threat. As the strike approached, union activists secured a resolution from the University Senate (a tripartite body of faculty, students, and administrators with advisory power) calling on Holloway to refrain from injunctions and negotiate in good faith. The resolution stressed three points: (1) that the strike would be legal unless Holloway chose otherwise; (2) that an injunction would clearly violate international standards,⁴ and (3) that "the leading New Jersey case authorizing injunctions was decided in 1968 during a period of judicial repression against public worker strikes including, notably, the Memphis strike injunction defied by Martin Luther King." As the strike drew near, picket captains were trained in how to deal with an injunction.

A dangerous dance with New Jersey's "pro-labor" governor. In the end, Holloway neither withdrew his threat nor filed for an injunction. New Jersey's Democratic governor, Phil Murphy, played an important—though problematic—role in avoiding the injunction and settling the strike. Murphy, who has the reputation of being strongly pro-labor, never did publicly support the Rutgers workers. He did, however, do everything he could to avoid a situation where he could be blamed for a labor injunction. First, he urged the union to accept mediation and delay the strike. This is a classic pitfall for any strike-ready union, especially if the opportunity to strike is time-limited, as it was in the Rutgers case by the impending end of the semester. It is easy for employers to watch the strike window shrink while moving just enough to create an illusion of progress. In the Rutgers case, the union did accept mediation, and—sure enough—some unionists urged that the strike be delayed to avoid offending the governor. But management overplayed its hand and offered such stingy concessions that few were fooled, and the strike commenced on Monday, April 10. Holloway then temporarily suspended his injunction threat, crediting Murphy.

Once the strike was on, it quickly became apparent that the workers were in the driver's seat.

Management did not even dare to cease paying the strikers. This reflected various factors, including the difficulty of replacing highly skilled workers, the strategic timing of the strike near the end of the semester (when only the incumbent teachers can certify that students have completed the term), and the strikers' strong bond with students, who understood that the strikers—not management—were fighting to deliver quality education. Statistics are not available, but unionists estimate that about two thirds to three quarters of all classes were cancelled—an impressive rate given that there was no picketing in the traditional sense of guarding facility entrances to identify and shame scabs.

The strike began on a Monday, and by Wednesday, management was ready to stop stonewalling and make major concessions. Murphy offered state money to help with the pay increases, and most elements of the final economic package were in place by the end of the day. Murphy threatened that unless the parties reached a “framework agreement” (meaning agreement on the raises plus vague understandings on more complicated issues) on that day and the unions suspended the strike, he would withdraw his funding offer.

Re-emergence of faculty-grad division. Grad workers argued that the union should refuse and call Murphy's bluff. They claimed that the gains for grads fell short given the power generated by the strike. Most adjunct and full-time faculty, on the other hand, felt that to reject Murphy's deadline would risk losing historic gains for adjuncts in order to improve what they perceived as already impressive grad gains. After gauging the intensity of grad feeling, the union did call Murphy's bluff. Grads proceeded to organize a strong action in Trenton that shook out some additional gains, though these fell short of grad objectives. Murphy set a new deadline of Friday end of business, and this time the Executive Council voted to suspend the strike in exchange for the raises and a guarantee of no retaliation against strikers. Grad workers voted no, and many were outraged that the vote took place at midnight on Friday with no opportunity to solicit membership feedback. They argued that nothing was going to happen until Monday anyway, so there was no reason to rush.

This kind of discord among job categories is totally normal, but in the Rutgers case it gave rise to hurtful recriminations and feelings of betrayal on both sides that, as one leader put it, produced a victory that felt like a defeat. It would not be helpful to delve into the dispute here, except to suggest that the faculty-grad division is not likely to go away without sustained attention. All of the unionists I spoke with are highly committed to faculty-grad solidarity. And yet, in the heat of the moment, they said things about each other that revealed deep-running suspicions and antagonisms. Some important leaders were so deeply hurt that they were thinking of retiring from union activity. I was left with the impression that the union could use some kind of consciousness raising on the divergent perspectives and structural positions of grads, part-time faculty, and full-time faculty. One obvious place to start would be a systematic sum-up of the 2022-2023 campaign.

Post-strike negotiations. As grads had feared, management interpreted the vague “framework” in its interests and promptly returned to its old ways of dodging negotiations and stonewalling. But Rutgers unionists recovered their focus on victory and came up with new ways of pressuring management, for example seeking a vote of “no confidence” in Holloway from the University Senate. With biomedical faculty in the forefront, the union staged numerous actions to demonstrate that there was energy to renew the strike. In the end, the result was better than might have been predicted at the time of the strike “suspension,” but still fell short of grad workers' goals.

Assessing the outcome. The media and everyone I talked with—faculty and grads—agreed that the unions won a breakthrough victory. Management had tenaciously resisted the central plank of the de-corporatization program—larger raises for the most vulnerable workers—until the last minute, but was ultimately forced to yield and yield big. The ratification vote was overwhelming, with 93 percent voting yes.

But if the strikers won, were there also losers? The de-corporatization program is designed to benefit every constituency except two: the corporate interests that control higher-ed governing boards, and their lackeys—the high-level administrators who feed off corporatization. No unionist would object if Rutgers were forced to pay educators’ raises by diverting money from overpaid administrators or other corporate priorities like sports entertainment ventures, speculative hedge fund investments, or real estate acquisitions. But it appears that a considerable amount of the funding came from the taxpayers of New Jersey. My sources were divided on whether this represented a defeat or a victory. To some, it was a welcome reversal of declining state support for public higher education. To others, it meant that the taxpayers were—in effect—subsidizing the corporatizers’ payment of educators’ raises rather than requiring the corporatizers to divert the full amount from their pet projects.

Many challenges remain. To mention just one, the Rutgers strike was “wall-to-wall” only within the walls of the academic (teaching and research) workforce. The faculty-grad and adjunct locals had tried hard to bring other unions along, organizing a “Coalition of Rutgers Unions” and fighting to preserve the jobs of nonacademic workers (mostly low-level administrators and dining hall workers) during the pandemic. But none of the many unions representing Rutgers’ thirteen thousand nonacademic workers either joined the strike or honored the strikers’ picket lines. In most cases, timid leadership or business-unionist parent organizations blocked action. Hopefully, nonacademic unionists will be emboldened by the academic workers’ victory to join in, or at least honor, future strike movements.

Going Forward

The Rutgers strikers demonstrated the power of solidarity unionism to challenge public university corporatization in a blue state, even one with a judge-made legal doctrine declaring public worker strikes “unlawful.” Can the model be replicated elsewhere? It won’t be easy, but just as the Rutgers strikers learned from previous breakthroughs, we can expect that others will learn from the Rutgers example. And in the current period of rising labor activity and public support for unionism, prospects for further advances are good. Today, Higher Ed Labor United (HELU), which Wolfson helped found in 2021, provides a center for higher ed workers and unions to build the nationwide struggle against corporatization and for “a U.S. higher education system that works for and is led by workers, students, and the communities it serves.”

notes

1. Kim Moody, *The Rank and File Strategy* (Detroit: Solidarity, 2000); Joe Burns, *Class Struggle Unionism* (Haymarket, 2022); Bill Fletcher Jr. and Fernando Gapasin, *Solidarity Divided* (U. California Press, 2009); Staughton Lynd, *Solidarity Unionism* (PM Press, 2009).
2. Ellen Schrecker, *The Lost Soul of Higher Education: Corporatization, the Assault on Academic Freedom, and the End of the American University* (New Press, 2010).
3. James B. Atleson, “The Legal Community and the Transformation of Disputes: The Settlement of Injunction Actions,” *Law & Society Review* (Vol. 23, No. 1, Jan. 1983), 41-73.
4. International Labor Organization, *Freedom of Association: Compilation of Decisions of the Committee on Freedom of Association* (6th ed.) (Geneva: ILO, 2018), at paras. 845-847 (available [here](#)).