

and flexible legal concept. A court's finding that a particular proposal or action violates this doctrine, he says, would rarely result in the invalidation of a legislative act. Massachusetts courts, in a series of public trust cases decided in recent years, have set aside administrative decisions in controversial land-use cases when the legislative

authority on which those decisions were supposedly based was not clearly spelled out.

In one such case, for example, the state highway department was not allowed to use a public marshland for right-of-way, even though state law seemed to permit such action. The court said that, if it were the legisla-

ture's intent to allow such a diversion of parkland to highway use, it should say so explicitly. Sax believes that rulings of this kind have a desirable "squeezing" effect on a legislature, forcing it to face up to the implications of vaguely stated policies which it writes into law.

Sax is the author of a bill now

## British Dons' Ire Raised by Request To Account for Time

*London.* About one-third of Britain's 30,000 university staff members have been provided with booklet diaries and invited to account, half-hour by half-hour, for the way they spend their time during a typical work week. Many have reacted like clerics asked to prove their piety, generals their patriotism, or dowagers their virtue. Proclaimed a Cantabrigian in a letter to the *Times*, "... the only proper reaction, surely, is to march upon the originators of the scheme and make them eat their ridiculous pamphlets—the only way of ensuring that the results of the enquiry will be properly digested."

The originators, as it turns out, are the chief executives of Britain's 44 full-fledged universities, sitting as the Committee of Vice Chancellors and Principals of the Universities of the United Kingdom. Just how happy they are about this massive inquiry is difficult to discern behind the curtain of discretion that the committee maintains. But an explanatory letter accompanying the diaries carries the suggestion that the committee acted to head off what might have been a less sympathetic inquiry by another body, the University Grants Committee (UGC), the quasi-official body responsible for channeling funds to higher education. Traditionally, the UGC has served as a means for assuring government support and independence for the universities. But, in recent years, the government has taken the view that higher education has generally been oblivious of national needs, and it has been pressuring the UGC to use the power of the purse to get the universities to stress studies of economic significance. On top of this, university enrollments have exceeded all expectations, and since entry is available at only token cost for all qualified secondary school graduates, the government is increasingly curious about the comfortable student-staff ratios that prevail in a system for which it pays virtually all the bills. Hence the interest in what all those faculty members are doing with their time.

However, getting at the answer with any precision is a separate matter. Thus, the diary is arranged in columns, with a check to be entered for each 30-minute period between 8 a.m. and 11:30 p.m. to indicate that the time was at least half devoted to any one of seven categories of activity. These are: "undergraduate time," "graduate course-work time," "graduate research time," "personal research time," "unallocable internal time," "external professional time," and "private free time." It is assumed that time from midnight to 8 a.m. is "private" unless otherwise noted. The definitions are brief, and inevitably lend themselves to ridicule, which has been forthcoming

in large volume. "Unallocable internal time" is defined as "time spent on reading, study, discussion, and conferences which, while possibly contributing both to teaching and research is not allocable to one or the other. Time spent 'keeping up with the subject' should be entered here. Include also any administration and committee work not allocable to undergraduates, graduates or personal research—for instance, most staff appointments, and the general supervision of a department—and work related to the building up of a library, unless the books concerned are ordered for particular student groups (undergraduate or graduate) or a particular piece of research (graduate or personal)."

"Private and free time," the explanation goes, "covers eating, recreation, sleeping, family contacts: work for the community not related to your professional status (e.g. being a churchwarden): non-productive travel time to and from your normal place of work (but traveling on official business should be included under the category to which the business belongs): marking [secondary] school examination papers, writing novels as a sparetime occupation, and other such activities which, while 'work' neither derive from your university post nor contribute to your professional status in that post."

As the controversy continued in newspaper letters columns, a few academics defended the inquiry as a reasonable attempt at assuring efficient use of resources. Wrote one: "I am filling in my diary of activities . . . In doing so, I feel no sense of humiliation. The resources of higher education must be managed as efficiently as possible, and this can only be done if the right sort of information is available. Although I have certain reservations on the reliability of this particular survey, I am in agreement with its general aims. We academics must learn to stop standing on our dignity, and realize that there is no divine right which protects us from this sort of thing . . . [H]e who pays the piper calls the tune."

But more common were letters that told of incredibly convoluted and entangled schedules, involving such wondrously interwoven and noncompartmentable activities, that no conceivable method could possibly divide them into seven categories. And then there was the letter from a professor's wife, who wrote: "At times my husband talks in his sleep about academic or university business. Do I next morning, after timing the duration of these remarks, advise him to transfer these periods of dormitory cogitation from 'private and free time' to another category?"—D. S. GREENBERG