

## The Academic Profession

**American Professors.** A National Resource Imperiled. HOWARD R. BOWEN and JACK H. SCHUSTER. Oxford University Press, New York, 1986. xiv, 322 pp., illus. \$24.95.

Having received appreciable national attention prior to publication and carrying a title that claims that an imperiled national resource exists, Bowen and Schuster's book on the academic profession is destined to invite debate and discussion. The authors are professors at the Claremont Graduate School and write from rich experience. Bowen is an economist, former president of the University of Iowa and Grinnell College, and a prolific contributor to the literature of higher education. Schuster is a political scientist and lawyer and has worked as an administrator in Washington and at the University of California at Berkeley.

The opening chapters provide demographic information on faculty origins and work activities. Included are data on such matters as family background, religion of upbringing, education received, age distribution, qualifications for the job, values held, allocation of time between teaching, research, and service activities, and (in a later chapter) salary and retirement. Differences among faculty that are related to academic discipline and to type of institution (community college as compared to research university, for example) are also noted.

Having sketched in the background, Bowen and Schuster selectively begin to marshal evidence for their two principal conclusions: (i) Though faculty compensation and work environment (in assessing which they take into account academic freedom, student quality, physical resources, job security, autonomy, dysfunctional stress, respect, voice in decision-making, and opportunity to develop professionally) are not currently at an irreversibly low level (except in a few colleges), they have deteriorated appreciably since 1970 and are about to sink below a recovery point; and (ii) the quality of the professoriate will in the future (1995 and after) be appreciably lower than its current high level unless immediate action is taken to increase the flow of superior persons into the occupation.

Their conclusions are developed from three kinds of evidence:

1) Survey data, taken from a variety of sources, on such topics as professorial salaries, faculty and administrator perceptions of work satisfaction, and percentage of Phi Beta Kappas selecting academic careers.

2) The literature on faculty at work—some research studies but more often expositions of opinions by other commentators on changes taking place within the occupation.

3) Data the authors themselves collected in interviews with 532 administrators and faculty in 38 colleges and universities during 1984–85.

The authors' evidence better supports their conclusion about the quality of future faculty than it does their claim that tomorrow's work environment will be intolerable. Moreover, there are grounds for questioning the evidence advanced for both assertions.

With respect to the surveys, selecting the early 1970's as the base years essentially ensures a downward trend since, as the authors concede, 1972 was a vintage year for faculty—salaries were increasing at a rate higher than inflation, jobs were still plentiful, resources were readily attainable, and in the public's view faculty status was high. Also, use of two points in time to infer a trend without considering measurement errors in the data at both dates is not good practice. In using others' data, moreover, the authors are often faced with surveys asking nonidentical questions of different populations.

As for the authors' own data collection, it is marred by their sample of institutions (faculty at leading research universities were oversampled at the expense of the more preponderant community college instructors) and categories of faculty, especially the latter. For example, of the five faculty interviewed on each campus, one was a "nomad," a non-tenure-track assistant professor going to be let go, and another was an early retiree, one presumably unhappy with current conditions or being forced out of her or his job. These two types, who can be expected to be on the dissatisfied end of any scale, do not constitute 40% of the profession and hence skew the picture.

The authors also employ essentially a negative interview schedule. It has the tone of "are you still beating your mother?," of how much worse things are now in comparison with the "good old days." (It seems that for faculty, and probably for other occupational groups as well, there is always a time in the past that was better than today, no matter how favorable present conditions might be.) Faculty were not asked how their current computer equipment compares with that in 1970, what the quality of research being

produced by their current students and peers is, how easy it is to communicate with colleagues around the world—a rather substantial set of improvements over the past 15 years.

Despite these shortcomings that call into question the authors' inferences, the book has a number of strengths. There is an invited chapter by A. Lee Hansen (University of Wisconsin, Madison) demonstrating thoroughly the falling professorial salary position. In addition, Bowen and Schuster do not hesitate to present conflicting data and acknowledge that not all view the impending "catastrophe" as gloomily as they do. They care very much about faculty and the future of higher education in this country. They provide thoughtful recommendations about how higher education's current dangerous path could be altered and how a future of high-quality faculty can be achieved.

Still, the farther the authors direct their attention to the future, the weaker their case becomes. Making projections of faculty quality for the year 2010 requires taking into account some elements they have not fully considered. Higher education is an industry that seems destined to be perpetually out of synchronization with its milieu. There is a 5- to 13-year span between receipt of a B.A. and appointment to an assistant professorship, a production line so long and with so many variations that it is not possible on the basis of today's supply and demand to forecast accurately 25 years into the future. Supply and demand were out of phase during the Great Depression and again in the early 1950's, when there was an oversupply of faculty and an undersupply of students. During both of those periods the very best still opted for academic careers.

Also, the decline in the percentage of Phi Beta Kappas selecting academic careers can be misleading. If the recent electees are headed for law and medicine, they still may end up as professors in those specializations. And situations change rapidly. The 7 July *New York Times* has Haverford's prelaw adviser commenting on the more than 50% drop in the number of potential law students he counselled this year. The reporter paraphrases the adviser's view: "With the prospects for college teaching jobs in the 1990's looking good, the very best students were once again heading for Ph.D. programs rather than professional schools" (p. B7). From an even longer perspective, colleges and universities, and especially their faculty, have a survival record matched only by a handful of institutions since the onset of Western culture.

All in all, even though the authors' case rests on questionable evidence, their book

should stimulate a healthy debate. A significant portion of society's concerns is entrusted to those of us in the academic business. Even from an unselfish point of view our future is a matter of no small importance.

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## The Legal System as Social

**An Invitation to Law and Social Science.** Desert, Disputes, and Distribution. RICHARD LEMPert and JOSEPH SANDERS. Longman, New York, 1986. xvi, 528 pp., illus. \$39.50; paper, \$21.95.

Over the past several decades a vigorous field of interdisciplinary scholarship on "law and society" has emerged. In contrast to traditional legal scholarship, which treats law as a logically self-contained body of normative rules, law and society scholars operate on the premises that law is derived from social and cultural forces, that the processes and impact of law are intimately tied to the social, psychological, and cultural milieu, and that these qualities of law can be empirically described. In short the legal system is an open system and it can be analyzed in nonnormative terms.

In *An Invitation to Law and Social Science* Richard Lempert and Joseph Sanders, both of whom hold degrees in law and in sociology, have two goals. The first is to introduce advanced undergraduates, graduate students, and law students to the field of law and society. The second is to synthesize existing theory and research. It is an important book, not only because it is successful in its attempt to build new theoretical structures but because it demonstrates the potential that law and society scholarship has for understanding the legal system.

After an introductory chapter the book is divided into three parts, each of which deals with a different legal problem. Part 1 is concerned with the process of determining responsibility for behavior. Its opening chapter examines different meanings of moral and legal responsibility and the excuses that may be allowed to avoid responsibility. The concept of "rule logics" is introduced to help categorize the types of responsibility rules and allow us to view responsibility as a variable. The thrust of this chapter is that responsibility involves more than just behavior; rather, it entails agency and purpose and has social as well as legal meaning. The next two chapters are directed to the problems of evidence that must be overcome to prove that someone should be held legally respon-

sible. Chapter 3 discusses how adjudicative processes differ with respect to the scope of the inquiry into the relevant evidence and the extent to which the adjudicator considers the mental state of the person whose actions are being judged. Chapter 4 develops the notion of "case logics" to describe ideal ways in which legal cases are processed. "Deep" case logics are used when the adjudicator searches for the actor's point of view in attempting to understand the behavior under consideration. "Shallow" case logics ignore the actor's viewpoint in deference to whether the behavior falls into some pre-established category. Different types of social organizations produce different proclivities toward types of case logics. Even though the formal law may dictate a search for the actor's viewpoint, bureaucratic demands may encourage a shallow search for meaning. The insights of the preceding chapters are then applied to two areas of tort law, workers' compensation and automobile accidents, in which there have been significant changes in liability (responsibility) rules. These examples demonstrate the close connections between social processes and decisions about legal responsibility.

Part 2 is concerned with dispute resolution. Responsibility is again a salient concept, but its role in this context is much less one involving morality than one expediting the resolution of particular disputes. Different forms of legal tribunals place different emphases on responsibility, that is, in the extent to which they allocate fault between disputing parties. Taking a dispute to a legal forum causes the parties involved to relinquish much of the control over it because substantive and procedural rules of the forum impose a definition of what is in conflict and dictate the number and form of possible solutions. Part 2 examines how disputes are processed under various circumstances and why. Chapter 6 analyzes disputes from a game theory perspective that is helpful in understanding why cases go to trial or are settled beforehand. The fairness of settlements is also dissected. Chapter 7 considers alternative styles of dispute processing between and within cultures. Chapter 8 is concerned with attempts to change the way disputes are processed when social and institutional developments render traditional methods inadequate. The small claims court and the juvenile justice system are singled out to show the limits of law as an agent of dispute resolution.

Part 3 considers law from a macro perspective, namely as a system that distributes the goods and other resources of society. Its concern is with social justice rather than the matters of individual justice that were the subjects of parts 1 and 2. Chapter 9 dis-

cusses models of social justice with particular emphasis on the theory developed by the philosopher John Rawls. The purpose is to develop standards by which different allocative systems, endorsed and enforced by law, can be evaluated. In chapter 10 the insights of chapter 9 are applied to an analysis of the role that business corporations and labor unions play in society. The close relation between law, power, and social justice is highlighted. Conflicts between individual and group rights are analyzed, as is the influence of social forces on the shaping of labor and business laws. The failure of law to check excess corporate power is also considered. Chapter 11 is devoted to an analysis of law and racial equality. The civil rights movements of the 1960's was characterized by an attempt to use law to advance social and economic equality through equal opportunity. The varying degrees of success of this enterprise are discussed, along with the unwillingness—and inability—of courts to implement social ideals in full measure. Then chapter 12 turns to the issue of law as an autonomous force. Autonomy is at best partial because of the constraints of social and political forces. Chapter 13 addresses the law-making process and the conflicts that confront attempts to use law to achieve social equality. A final chapter summarizes the themes developed in the book.

*An Invitation to Law and Social Science* convincingly illustrates how inseparably the legal system is tied to other social structures and how these relationships produce different qualities of justice. It is selective in the topics that are considered. However, the intent of the authors is not to discuss every subject in this diverse field but rather to develop a perspective for empirical inquiry into the relationship between law and society—and they have succeeded very well in this task. The book frequently requires work and concentration on the part of the reader, but students and mature scholars alike will be rewarded for their efforts.

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## Applications of Group Theory

**Group Structure of Gauge Theories.** L. O'RAIFEARTAIGH. Cambridge University Press, New York, 1986. x, 172 pp., illus. \$34.50. Cambridge Monographs on Mathematical Physics.

The author, perhaps most famous for the O'Raifeartaigh method of supersymmetry breaking, is one of the leading experts on