

while ignoring the broader questions of how accurately the priorities of the megacenter are aligned with the needs of the public. This book provides a detailed history of the structure and process of medical schools, medical centers, medical training, and the growth of the immense academic medical center. It remains for the reader to ask how this self-driven, self-serving, professionalized juggernaut can shift its paradigms so as to serve the public better.

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Crisis Management

The AIDS Bureaucracy. SANDRA PANEM. Harvard University Press, Cambridge, MA, 1988. xiv, 194 pp. \$22.50; paper, \$9.95.

The AIDS crisis exemplifies the difficulties democratic systems face in resolving problems with broad social and ethical dimensions. Viewing the crisis primarily as a health emergency, many believe the nation's response to AIDS was slow and fragmented, particularly in light of the quality of our scientific infrastructure and in comparison with responses to other recent health threats, such as toxic shock syndrome, Legionnaire's disease, and the Tylenol poisonings. Despite remarkable scientific advances, including the rapid identification of the AIDS virus and the development of a diagnostic test, there is no national policy to prevent the spread of the disease, to reduce risk factors through education or other means, or to organize and finance an appropriate array of services for those already infected and seriously ill.

The failure to respond more rapidly and effectively to the threat of AIDS is attributed by Sandra Panem in *The AIDS Bureaucracy* to the absence of a centralized decision-making apparatus and resources that can be quickly mobilized in the event of a novel health emergency. Panem examines the federal health bureaucracy using AIDS as a case study of its ability to respond to a complex and urgent health problem. The overall objective of the book is to understand better how the bureaucracy might be strengthened for future health emergencies.

Much of the responsibility for protecting the public's health, notes Panem, is vested in state and local governments. The federal government exercises its influence primarily through budget priorities and policies governing publicly financed health services. Moreover, within the federal health bureaucracy there is little centralized strategic

planning or adherence to a common agenda.

Panem focuses particularly on the Public Health Service, including the Centers for Disease Control and the National Institutes of Health, both of which were crucial in the early response to AIDS. She notes that competition and lack of communication among the agencies of the Public Health Service impeded progress in research. Likewise, the organizational separation between the Public Health Service and the Health Care Financing Administration contributed to the lag between advances in research and the development of health-services delivery strategies and patient-care policies.

Panem observes that the lack of clearly defined lines of authority and responsibility among officials at varying levels of government, the rivalries among federal agencies, the informal relationships between the public and private health sectors, and the sometimes adversarial relationships between the executive and legislative branches of government all may foster creative tension and provide checks and balances that are useful under normal circumstances. These factors tend to interfere with efficient handling of emergencies, however. Panem proposes a solution that will not be acceptable to all: the establishment of a national plan to facilitate the management of health emergencies that would include a central office or individual with the mandate, authority, and resources for action. Though we commonly feel frustrated by the pace and difficulty of achieving a workable plan of action, this reviewer finds it inconceivable that our society would give responsibility for policy of such far-reaching and complex consequences to a single individual or small group.

A competing explanation for our failure to develop a national AIDS policy has little to do with the organization and structure of government. Successful policy requires either a broad-based public consensus on key issues, such as the provision of clean needles to users of intravenous drugs or the testing of various risk groups, or a narrow consensus among a recognized elite on highly technical issues of a less controversial nature or about which the public appears unconcerned. Neither is apparent in the case of AIDS. There is disagreement about many aspects of the epidemiology and consequences of HIV infection and uncertainty and much conflict about the moral consequences of alternative social policies. These conditions do not usually encourage public deference to experts. AIDS is as much a social problem as a health problem, and AIDS policies have vast implications for the character of our society. An alternative federal health structure is not a substitute for consensus and political will on issues of such

importance. Articulate and credible leadership is surely essential, but such leadership does not necessarily arise from a restructured bureaucracy.

Panem's proposal for an emergency plan is more viable as it pertains to research. The research establishment was initially slow in responding to the AIDS threat, and issues of prestige and competition with other priorities interfered with a coordinated scientific attack. Despite this, CDC and NIH made remarkable progress. We did less well in the services area, reflecting our inability to reconcile the recognition of need with budgetary concerns. Under urgent conditions, it should be possible for high-level health officials to tap existing research budgets to initiate a rapid response. Given the complexity and fragmentation of our health system overall, designing and implementing an appropriate response to need for care will remain a more formidable problem.

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A Service Profession

Beyond Monopoly. Lawyers, State Crises, and Professional Empowerment. TERENCE C. HALLIDAY. University of Chicago Press, Chicago, 1987. xx, 388 pp., illus. \$29.95.

Lawyers are not as rotten as a lot of people think.

This might be the most valuable teaching of this able and earnest work. It is a welcome message, albeit not surprising, to those who have long associated with lawyers and their organizations. Hostility to lawyers, especially to their collective selves, is endemic and ubiquitous and as old as the profession. Professional work in law was in its adolescence in England in the 16th century when the radical Levellers and Diggers of the time focused on lawyers as the source of most human misery; it was a Shakespearean character drawn from that time who adjured his fellow revolutionaries to murder the lot. Similar rhetoric could be heard to echo along the frontier and throughout 19th-century America, although there were then few enough professionals in law that most states could have cleaned them out in an afternoon. And the spirit abides today, when a respected historian can liken the increase of lawyers to the pestilence or the plague of locusts and frogs that destroyed Egypt in the time of Moses. Yes, it is heartening to see the hard data presented here by Halliday, which show that lawyer organizations are not mere conspiracies

against the public, as Shaw would have us believe, but are often striving to reform the law better to serve the public's need, sometimes even enjoying a bit of success in the pursuit of this altruism.

Halliday's goal, however, is more ambitious. He has carefully gathered many data from the records of the Chicago Bar Association for the period 1950–1970 and surveyed staff and leaders of many other lawyer organizations. He presents his data not merely to confirm the occasional altruism of these organizations but as partial confirmation of the hypothesis of the great theoretical sociologist Max Weber, who observed in the evolution of Western society a process of rationalization manifested in, among other ways, the direction of law reform. Halliday's thesis is that the Chicago Bar marshaled the energies and resources of its members, created a moral authority based on their technical expertise, and brought the pressure of those resources and authority to bear on political institutions effectively to advance the cause of rationalization (in a Weberian sense) in Illinois from 1950 to 1970.

A limitation on the effectiveness of the presentation to achieve this larger ambition is the imprecision of Weber's observation. Although elaborate and carefully derived from close analysis of law and law reform in Germany and England in the 19th century, Weber's theory was presented in the large. Weber was not, it seems, one to find God in the details. As a result, the link between

Halliday's data and Weber's theory is often open to question.

Moreover, as Halliday points out, Weber recognized that the phenomenon he observed is not representable as a straight line on a graph but retreats and advances "as it emerges from the clash of interests and classes, from the tension of tradition and charisma." Weber's hypothesis might thus be viewed as a more rigorous kin to Thomas Carlyle's dictum that the arc of history is long but points toward justice. An effort to quantify such a cosmic trend has some of the aspects of "nailing jelly to a tree."

Seemingly in order to make this demonstration persuasive to a scientific audience, Halliday may have seriously understated the charismatic dimension of his subject. He carefully calls attention to the methods by which the elite of the Chicago Bar enhance the effectiveness of their leadership, but he is equally careful never to mention them by name or to disclose any of their thoughts as individuals. This may reveal a sociologists' trained incapacity to take an interest in such matters. In any case, Halliday never acknowledges that particular activities or inactivities of the organization are traceable to individual leaders and their strengths, weaknesses, and choices. To one somewhat familiar with bar politics, this leaves a curiously incomplete picture of the process, because bar politics is a universe in which individual energy and initiative count for a lot. By means that Halliday recounts, a handful of

lawyers can make a big difference in the direction taken by a bar organization, especially one functioning at the municipal level.

This reviewer assumes that an acknowledgment of this role of human wills in matters under study would be antiscientific, that science must begin with the assumption that events are controlled by natural forces. If this is so and science cannot treat matters that are the result of individual human choice, the reader confronts in Halliday's book a limit to the value of scientific inquiry. Science must perhaps be mixed with poetry to gain a full understanding of the Chicago Bar.

One reason this is so is that the claims to technical competency of lawyers, which afford a basis for the moral authority asserted by the bar, are dependent on a shared act of faith—the supposition that judges can in the exercise of free will understand and obey the law and apply it to facts that may be in dispute. While one may measure the rise and decline of a religious faith, and perhaps many other aspects of its existence, such measurements reveal much less than the whole of their subject; and so it is with the law-reform efforts of the organized bar, which are expressions of a secular faith. Moreover, given that one dimension of the law's faith is a belief in the rationality of individuals, it may be perverse to attempt to validate the process of rationalization without regard for acts of reason or unreason committed by individual leaders. Perhaps if Weber is right science alone can never tell us so.

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Chicago Bar Association Orchestra members "gather early for some informal conversations and some impromptu playing before rehearsal begins." Since the players "do not have their own concert hall (yet), and since their principal cellist is also a judge, they use her courtroom." [From E. H. Cameron, "Sound legal advice," *CBA Record*, March 1988; photograph by Bill Richert]

Struggles over Education

Law and the Shaping of Public Education, 1785–1954. DAVID TYACK, THOMAS JAMES, and AARON BENAVID. University of Wisconsin Press, Madison, WI, 1987. xii, 259 pp. \$25.

After a generation of scholarship energized by the faith that with persistence and imagination historians could uncover the lived experience of married women, workers, slaves, schoolteachers, and schoolchildren, of private lives hidden by traditional scholarly emphases on politics and power, the wheel has turned again and "bringing the state back in" is all the rage in historical work. Today historians "know" that without an understanding of the political and legal contexts within which such people lived their lives not much of significance can be known about their histories.