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Book Reviews

IMPASSE AND GRIEVANCE RESOLUTION Edited By Harry Kershen.
New York: Baywood Publishing Company, Inc., 1977. Pp. 155.
(no price available).

*Reviewed by Kurt H. Decker, Esq.**

Throughout the nation the changing labor law framework has been instrumental in furthering the right of public employees to organize and bargain collectively. The enactment of public sector labor relations legislation is increasing the need for in-depth information assisting scholars, attorneys, practitioners, students, etc. in confronting problems occasioned by these statutes. To meet this challenge there is a continuing need for new source materials. The *Public Sector Contemporary Issues* series bridges this gap with relevant and timely analysis. *Impasse and Grievance Resolution* is the first of this series. Future offerings will cover collective bargaining in public education, bargaining among municipal and federal employees, and public sector strikes.

This book's chapters are a collection of scholarly articles carefully selected to give a detailed analysis of impasse and grievance resolution. These chapters first appeared in the *Journal of Collective Negotiations in the Public Sector*. The chapter arrangement is grouped under three headings allowing the reader to focus on broader topics. Each topic contains an excellent general background, a specification of major issues, and concludes with practical suggestions. Following the chapters are questions to be used for reinforcing concepts and stimulating thought. Included is material addressing the resolving of bargaining impasses, strikes, and grievances. Among the techniques discussed are mediation, fact-finding, and arbitration.

Specifically, the first topic relates available techniques for resolving impasses during the negotiations process. These range from the relatively mild to the powerful. Along this continuum, mediation is the mildest, fact-finding a bit stronger, and arbitration the most powerful. These techniques are examined regarding their positive or negative impact on negotiations or its end result, the agreement.

Topic two deals with public sector strikes as a particularly thorny problem, *i.e.*, services withheld are often essential to the community. The usual solutions involve arbitration and the courts. However, one chapter suggests the innovative approach of permitting the taxpayers to decide before the strike whether demands should be granted or not. Other chapters concern

* Assistant Attorney General, Pennsylvania Governor's Office—Bureau of Labor Relations. The views expressed herein are those of the reviewer and not necessarily those of the Pennsylvania Governor's Office—Bureau of Labor Relations.

preventing strikes, quasi-strikes, sociology of strikes, and bargaining laws effects on the public employee's tendency to strike. All show that strikes may be considered as a point along the continuum to the agreement.

The final topic treats the resolution of grievances after the agreement is concluded. It is pointed out that one reason for grievances is the agreement's language. In reaching the negotiated agreement, the parties may compromise. These compromises are cast in language acceptable to both parties and may be vague, ambiguous, or misleading. This raises the possibility of varying interpretations by employees and employers. Grievance resolution is, therefore, an inevitable consequence of impasse resolution. Discussed are grievance resolution techniques such as arbitration, contract clause construction, and court decisions effecting grievance resolution in education.

The chapters thoroughly analyze impasse and grievance resolution procedures suggesting ways of improving the process. In fact, they are an interesting mix of theory, law, and good practical advice. The authors include the President of the American Arbitration Association (AAA), the Commissioner of the Wisconsin Employment Relations Commission (WERC), public sector labor relations attorneys, labor negotiators, school administrators, and general practitioners.

This series is a welcomed addition to the literature in this area. The series' first book has brought together much relevant and timely research. Those interested and involved with public sector impasse and grievance resolution should definitely avail themselves of these readings. This book serves equally well as a general reference, research tool, or text benefiting scholars, practitioners, and students. Hopefully this series' additional volumes will be as well-planned and structured.

AUTHORITY TO CONTROL THE SCHOOL PROGRAM. By Tyll van Geel. Massachusetts, Toronto: Lexington Books, D.C. Heath and Company, 1976. Pp. 249, (no price available).

*Reviewed by Shirley W. Johnson**

During the past decade, confusion and uncertainty as to who actually controls school programs in the United States have increased to untold proportions. van Geel has attempted, successfully, in this account to explain the extent to which federal, state and local authorities are trying to exercise control. However, the maze is no less confounding when one is given such an account.

The federal government, in its attempt to insure equality of educational opportunity and to provide compensatory education for the disadvantaged, wields an increasing degree of control. Mainly, through ESEA Title I, the Civil Rights Act of 1964, Title IX, the Law on the Handicapped and the historical case, *Brown v. Board of Education*, the federal government has established itself as the major arm to be reckoned with. Although, compliance

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with these mandates has created resistance in many instances, they remain firm in statute, if not always in interpretation.

van Geel gives a broad view of how different states attempt to exercise control over school programs. Vastly differing mechanisms are used in determining standards for educating particular populations, all under the watchful eye of the federal government in the areas previously mentioned. In *Authority to Control the School Program*, states are grouped according to their similarities in structure of governance and their abilities to control curriculum, materials, and special programs. The common problem continuously facing all states is financing whatever is decided upon at that level and what is mandated by the federal government.

At local levels, van Geel places strong emphasis on the ability of school boards and citizens to control school programs. In most instances, he observes that the responsibility is usually given to the professionals, either in the local school system or through appointed committees of professionals acting under board authority. More often than not, parents are the least consulted group, at the local level, on shaping programs for their children. However, the local governing bodies are further hampered by finances in their attempt to control school programs. While the federal and state statutes mandate compliance in numerous areas at the local level, money does not necessarily follow these mandates in the amounts necessary.

Local school boards also find themselves, in several cases, forced to negotiate terms of program control with teachers' unions. This thrust is increasing as the necessity to compromise on monetary items is becoming more realistic as citizens complain constantly of teachers' salaries and benefits.

In summary, *Authority to Control the School Program* gives an opportunity to study the massive network of bureaucracies involved in determining what our school programs should offer, how and to whom. Interestingly, at the very end of this maze, is the client, the student, whom van Geel suggests might be involved at some level in deciding school programs. One wonders, after reading his account, if this book itself ought not be required in United States history courses at the secondary level.

NOTES FROM A COLLEGE PRESIDENT: ISSUES IN AMERICAN HIGHER EDUCATION by Louis C. Vaccaro. Boston: Beacon Hill Press, Creative Communication Group, 1975, 122 pp. (no price available).

*Reviewed by Nathan Weiss**

In this book, President Vaccaro offers an array of thought about matters faced by most university and college presidents during these unsettled years. He writes from the vantage point of ten years of varied academic administrative experience, including his present position as head of Colby-Sawyer College, a women's college located in New Hampshire.

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Student involvement in decision making; faculty-administrative dissonance; the collegiate conflict resolution processes; tenure; the role of governing boards; university-community relations; planning in higher education; reason, relevance and values; shared governance; "personhood", love and hope in the academic community; the meaning of relevance—these are the chief topics which Dr. Vaccaro addresses in his slender volume.

In assessing this book—drawn from Dr. Vacarro's essays, speeches, articles and experiences—one is struck by the wise and compassionate spirit which permeates it. Setting aside the notion that the "faculty is the University," he argues persuasively that student involvement in academic decision making is vital. They bring a freshness of approach which makes up for their lack of expertise. He rightly points out that creative dissonance between faculty and administration may be beneficial to the vitality of the university if it is directed into constructive channels. To deal with conflicting demands of constituencies—students, faculty, administrators, alumni—Vaccaro maintains that higher education needs to borrow from industry the notion of a formal appeals system.

When dealing with the matter of tenure, Vaccaro recognizes its function as a shield for academic freedom but rightly argues that as an antidote to the "deadwood" problem what is needed is a system of periodic evaluation and review. Interestingly enough, New Jersey's State Colleges have just established a process for the evaluation and professional development of all faculty and professional staff members which closely resembles this proposal which President Vaccaro made in 1973.

Perceptively, Dr. Vaccaro envisions the responsibility for college-community relations being peculiarly the concern of the president. This because of the president's particular role as the key facilitator for the resolution of internal and external conflict. The president must continually interpret the college to the community and vice versa.

Above all, Vaccaro believes that we must listen to the voices of youth no matter how irrational they may appear. We should not be put off by the miasma of the occultism, witchcraft, astrology and downright irrationality of which they seem at times to be enamoured. Perhaps they are in his opinion, expressing an understandable reaction to the impersonal overemphasis on rationality so prominent in Western thinking today. Vaccaro calls to our attention the need to restore love, the need to establish respect for each individual and above all the need to recognize the new sense of dignity for the individual which he calls *personhood*. If the academic community as well as the larger world fails to recognize this, Vaccaro feels that universities will degenerate into mere vocational training institutions, thus losing sight of the larger transcending goal of the development of wise and compassionate human beings. Here Vaccaro himself becomes a mystic who takes as his preceptors Herman Hesse, J. D. Salinger, Martin Buber and the Christian concept of *agape*, the compassionate love and acceptance of all other persons, the sharing and caring which contains within it the means for man's salvation.

And yet humane and compassionate though Dr. Vacarro is, it does appear

that there are some serious omissions in his experiences and thinking, at least as they are reflected in *Notes From A College President*. His discussion, except for a brief reference, barely touches on the hard adversarial realities which administrators, especially in public colleges, must be prepared to deal with. His discussion of academic planning may have some relevance for small private schools but it fails to deal with the highly politicized imperatives imposed on public institutions and increasingly, even on private universities, by governors, legislatures, state higher education commissions and the federal government with its myriad of regulations on everything from affirmative action to OSHA safety regulations for the boiler room. In short, much of what Dr. Vaccaro says, though it is most worthy and perceptive, has its greatest significance for small private liberal arts colleges. And yet the destinies of higher education in America will be ultimately, in my opinion, determined by what happens in the wider arena of the larger public and quasi public institutions of America. Thus, Vaccaro has illuminated an important area of the higher education landscape but as of this moment, vast regions are still cloaked in the long night of darkness.

MINORITY GROUP PARTICIPATION IN GRADUATE EDUCATION. A Report of the National Board on Graduate Education. Washington, D.C., 1976. Pg. 273. \$7.00.

*Reviewed by Nancy D. Joyner**

As concern for the legality of so-called "reverse" discrimination reaches a judicial climax in the U.S. Supreme Court's review of *Baake v. Regents of the University of California*, many scholars fear that progress in achieving minority representation in all facets of American education may stagnate. In issuing its latest report on representation of minority men and women in graduate study, the National Board on Graduate Education (NBGE) clearly reveals that the acute awareness of racial discrimination evidence in the 1960s has not been translated into concrete solutions. In essence, incremental increases of minority student enrollments in graduate education over the last decade and a half have fallen woefully short of the envisioned full participation of minority groups in higher education.

Many of the pertinent questions regarding how private and public efforts can enhance access of minorities to graduate education are touched upon in *Minority Group Participation in Graduate Education*. For example, mention is made of the fact that the prestige and talents of government officials, educators, and members of professional education associations should be placed solidly behind, and not be peripheral to, efforts to increase opportunities for minority men and women in graduate study. Moreover, this report makes recommendations for the future in five pertinent areas. The first part

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reviews general patterns of minority participation in higher education. Since only a modicum of statistical data is available for the state of education prior to the 1960s, the bulk of this volume's analysis focuses upon the 1970s. Section II directs itself to the well-known barriers deterring full minority participation in graduate study, *viz.*, financial, educational, psychosocial, and cultural obstacles. The impact of increased minority enrollment in higher education vis-à-vis the labor market is the topic of the third section, while an analysis of the distinctions between graduate and professional schools for minority students is presented in part four. Finally, the remaining topic concerns efforts of a variety of forces—the federal government, the states, private organizations, professional associations, businesses, and industry—and their contributions towards enhancing minority participation in graduate and professional schools. Some insightful suggestions are proffered as to how coordinated responses on the part of many governmental and non-governmental agencies might produce more tangible results in increasing access of minorities to graduate education and into the labor market. Among the more fundamental recommendations are that there be a more “systematic codification and dissemination of knowledge derived from their activities” (p. 186) and that successful program models be publicized as incentives to continuing efforts to incorporate minority men and women into graduate study.

Perhaps the most significant contribution of this volume to the literature on equalization of educational opportunities for traditionally underrepresented groups is its specification of target areas for improvements and recommendations for the future. While the NBGE does suggest some general measures to achieve quality advanced education for minorities (*e.g.*, striving towards parity of minority Ph.D.'s in the “pertinent age cohort” of the total U.S. population and achieving proportionate enrollment of minorities in graduate education to the number of baccalaureate degrees they receive), this report primarily asserts that “broad numerical targets should not be allowed to detract from the more fundamental goal of setting into motion a self-sustaining process wherein minority participation is the accepted norm rather than the result of special effort.” (p. 3).

Despite the complexity of the problems and the extreme difficulty in securing comprehensive data to sustain intuitively-held views (for example, that talented minority students are not being readily and systematically identified), this work has succeeded in articulating the problem areas to which dedicated educators, counselors, administrators, and government officials should direct *consistent* attention. Accordingly, the NBGE contends that “The paradox of successful recruitment activities, financial assistance, and programs of supportive services for minorities is that their very success should lead to their self-extinction.” (p. 15) Considering the supportive evidence on actual minority participation in graduate education presented in this volume, it appears certain that self-extinction of affirmative action plans and equal educational opportunity programs will not likely occur in the immediate future.

To be sure, some groups of ethnic students have fared better than others

in specific academic endeavors, such as native-born American Orientals in the basic medical sciences. Although there has been a rise in the number of applicants, especially Black students, to various law and medical schools in recent years, the failure of minority groups to make substantial inroads undoubtedly points to some long-standing social-economic-cultural problems barring their full participation. While nearly 17 percent of the American population consists of minority persons—primarily Blacks, Chicanos, Puerto Ricans, and Native Americans—only 6 percent of these individuals are enrolled in U.S. graduate schools. To rectify this situation, the NBGE, which is composed of the American Council on Education, the Social Science Research Council, the American Council of Learned Societies, and the National Research Council, presents a number of useful recommendations, such as: (1) to coordinate efforts with governmental agencies to provide more accurate, common definitions of various racial and ethnic groups and to collect annually enrollment and degree statistics by race and ethnic identity; (2) to undertake concerted efforts to seek out talented undergraduate minority students for advanced study, especially in disciplines with particularly low minority representation, such as the natural and quantitative social sciences; (3) to encourage additional financial aid to minority students through policies which complement federal assistance programs; (4) to include specific provisions concerning equality of educational opportunity in state master plans; and (5) to increase the number of minority men and women faculty members in the nation's colleges and universities.

Regretfully, this book does not contain an index, although it does carry a valuable list of tables and appendices showing numbers of degrees awarded in various disciplines to specific minority groups, as well as an extensive bibliography. In addition there is a postscript on the "Mission, Status, Problems and Priorities of Black Graduate Schools," contributed by members of the Conference of Deans of Black Graduate Schools, which deserves serious reader attention. Their assessment of the changing role and difficulties of Black colleges and universities granting higher education degrees gives added impetus to the need for special programs to provide skilled personnel to deal with their problems, such as the Woodrow Wilson National Fellowship Foundation's Administrative Internship Program to place managerial talent at a number of predominantly Black and/or "developing" colleges.

To be appreciated more fully, this book should be read in context with *Toward Equal Educational Opportunity*, The Report of the Select Committee on Equal Educational Opportunity, United States Senate (1974), edited by Francesco Cordasco, and the Institute for the Study of Educational Policy's *Equal Educational Opportunity for Blacks in U.S. Higher Education: An Assessment* (1976). All three works underscore the tremendous growing pains currently being experienced in movements toward equal educational opportunity in the United States. The persistent prognosis, however, is that barriers to non-discriminatory education, while showing signs of diminution, are not likely to be overcome without constant care for a seemingly indefinite period of time.

BEYOND THE BEST INTERESTS OF THE CHILD By Joseph Goldstein, Anna Freud, Albert J. Solnit. New York: The Free Press, 1973. 170 pp. \$7.95.

*Reviewed by John J. Cardwell**

"Harsh as it is and as it must seem to the biological parents, their standing in court is no greater than that of a stranger." Using this argument, a fictitious Judge Baltimore defended this book's thesis: child custody disputes should be decided based on what is best for the child.

Writing from Yale's Law School, the Hampstead Child-Therapy Clinic in London, and the Child Study Center at Yale, the three authors focused on the problem of protecting children's psychological health. After they discussed the problem and reviewed actual court cases, the three writers developed a new set of child placement guidelines. To illustrate how the new guidelines should be applied, they redrafted an actual judge's opinion employing the fictitious Judge Baltimore to render a child-oriented decision. Finally, based on their guidelines, they wrote statutory provisions for a model child placement code.

When they formulated their guidelines, the authors looked beyond the interests of the child to the interest of the child's children. Society, they reasoned, should protect future generations by increasing the number of adults-to-be who are adequate parents. The living law, they added, seeks to secure an environment conducive to society's healthy growth. Judges who decide custody, therefore, should help protect future generations by providing the best possible psychological environment for the adult-to-be.

The big problem, according to the authors, is that adults have deeply engrained fears associated with children. Adults universally see children as a personification of their own mortality or immortality. It is this irrationality which inhibits adults from accepting children as individuals and recognizing children's needs.

A judge using the new placement guidelines would supply lawyers to children and given children party status in disputes. Also, in making a decision, the judge would consider the case from the child's perspective. For instance, a judge would recognize the child's psychological attachments and use the child's "sense of time" to help determine when it has been abandoned. The judge's goal, to minimize future psychological harm to the child.

Protecting children from physical harm appears to present no problem for the courts; but protecting them against psychological injury could pose a problem. One question is: Will judges be able to decide when a child has a healthy psychological attachment? Another is: Will they know when a child can express its own wishes? Psychology being a relatively new science, its facts often are unreliable. Nevertheless, judges must learn to interpret psychological facts and use them to help establish the best possible psychological environment for the child.

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Brown is proving that courts cannot successfully engineer the social environment. I feel uncomfortable with proposals which give the courts power to engineer the psychological environment. Goldstein and his colleagues convinced me that psychological well-being is as important as physical in deciding where to place a child. They did not convince me, however, that judges can be better psychological engineers than they are social engineers.

In translating their knowledge about psychoanalysis into child placement guidelines, the authors inextricably intervened in the child placement process. A New York State Family Court judge was quoted: "This book should be read and discussed by every judge and lawyer and social worker dealing with problems of child-parent relationships."

Joseph Goldstein, Anna Freud, and Albert Solnit must be commended for their foresight in introducing parent-child psychological relationships to policy makers. Anyone who plays a role in deciding where a child must grow up will profit from this book. It clarifies how complex the job of protecting future generations from psychological harm can be.

