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Books Notes

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BOOKS NOTED

THE LAW AND PRACTICE OF TEACHER NEGOTIATIONS. By Donald H. Wollett & Robert H. Chanin. Washington, D.C.: Bureau of National Affairs, Inc. 1970. Pp. ii, 900. $34.50. Teacher organizations, school board administrators, and lawyers will welcome this massive book which comprehensively examines the legal, procedural, and practical aspects of the process of collective bargaining negotiations in public education. After questioning the constitutional validity of statutes denying public employees the right to organize, the authors, drawing heavily from their experiences in representing the National Education Association, examine the elements of the educational collective bargaining process permitted, in varying forms, in at least 25 states. Particularly commendable is the elaborate manner in which Wollet and Chanin have defined what the federal law and various state laws require or permit in the field of public education, analyzed the relevant statutes, court and agency decisions, and provided much documentary material presently utilized by teacher representatives and school boards alike. Those in the teaching profession will be particularly interested in the sections dealing with the selection and replacement of an organizational representative, the preparations for collective bargaining, and techniques of negotiations. The latter part of the text which proceeds to define the rights and obligations of the school board, including the scope of its duty to negotiate, is extremely helpful in suggesting numerous alternative procedures that might be utilized by either party depending on the nature of the dispute. Since educational collective bargaining is an incubating topic, the looseleaf binder format, permitting further supplementation, assists in making *The Law and Practice of Teacher Negotiation* a most viable and worthwhile investment for the interested practitioner.

THE STATES AND THE URBAN CRISIS. Edited by Alan K. Campbell. Englewood Cliffs, New Jersey: Prentice-Hall, Inc. 1970. Pp. vi, 215. $5.95. This unusually concise volume, intended for both the student and the general reader, was prepared by the American Assembly of Columbia University as background reading for regional conferences on urban problems. In it, political scientists, economists, and lawyers examine the complex nexus of the state-urban relationship in an effort to delineate the problems, to suggest alternative solutions and indicate their relative merits, and to point up the obstacles entailed in any course of action. The problems are familiar: A burgeoning population with its attendant problems of mobility, job accessibility, and the availability of housing and educational facilities; the inability of local governmental units to cope with the increasing welfare roles, the problems of minimal health standards, and financial relief; the accelerating crime rate and the contemporary racial antagonism inherent therein; and the general human and environmental degradation. All these problems have been treated more comprehensively elsewhere; however, when a reader is presented with such a distilled exposition, he cannot avoid being impressed by their sheer cumulative weight and with the enormous difficulties attendant to their simultaneous solution. While in the final analysis all levels of government are to be held responsible for the present urban decay, the contributors have directed their attention particularly to the plight of the local governmental unit. They examine the factors which influence and limit the states' capacity to respond, and

the revisions which can and must be made in state constitutions to permit a more flexible approach to the financial and political hurdles that currently inhibit change and improvement. State inaction vis-à-vis the city is cited as one reason for the growing federal-urban ties — a trend which threatens to render state administrations even more ineffective. Suggestions are made for both the expansion and strengthening of state and national programs, but these solutions are not new to the reader. Each is accompanied by a prognosis, and, more often than not, the prognosis is bleak. Without a comprehensive national policy committed to a complete restructuring of the nation's urban areas; without a "social invention" to cure local governmental arteriosclerosis; without a replacement of voter apathy by voter outrage, the long-range outlook is not optimistic. A small ray of hope is provided by the potential capabilities of the 50 states for experimentation within their own laboratory-boundaries to find solutions applicable to the rest of the nation. But even if the states were willing and able to take advantage of these creative opportunities, the authors conclude that they are unlikely to solve such massive problems, and therefore suggest an orderly, structured federal-state cooperative attack.

THE SUPREME COURT AND THE IDEA OF PROGRESS. By Alexander Bickel. New York: Harper & Row. 1970. Pp. ii, 210. $6.50. Although the legal community has frequently directed reasoned criticism at the Warren Court, rarely has one with the academic and liberal credentials possessed by Alexander Bickel, Yale's Chancellor Kent Professor, devoted a whole volume to the subject. Expanding slightly on the presentation he first made in the Holmes Lectures at Harvard Law School last autumn, Bickel's central thesis is that the Justices of the Warren Court superimposed their personal philosophical values — the ideals of progress, egalitarianism, and legal realism — on a democracy, without constitutional authorization, in disregard of the lessons of history, and thereby established a dangerous judicial practice. Critical of this approach because it relies "on events for vindication more than on the method of reason for contemporary validation," Bickel additionally contends that the principle of *Brown v. Board of Education*, 347 U.S. 483 (1954), is "irrelevant" since the minorities are no longer desirous of integrated schools and that the decision in *Baker v. Carr*, 369 U.S. 196 (1962), dramatically altering the principle of representative government, was founded upon a majoritarian assumption that lacked constitutional authority. While not unsympathetic with the particular results of the Warren Court's judicial activism, the author is highly critical of consequences of such an approach — the substitution of subjectivity for judicial objectivity, the promotion of the goals of majoritarianism and universality rather than decentralization and experimentation, and the bold assertion that the Court rather than the legislature should create binding social policy. Professor Bickel recommends that the legislatures should be left with the task of articulating society's desires and that courts should refrain from subjective judicial decisionmaking unless the existence of our democratic government is threatened. Both the assumption of responsiveness on the part of the legislatures and the failure to suggest who is to decide when our democracy is imperiled question the efficacy of this recommendation.