RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

The Decline of the Professions:
Introduction

By Richard Ohmann and Ellen Schrecker

COCAL XI

COURTESY OF JOE BERRY, AN ORGANIZER WITH THE COALITION OF CONTINGENT ACADEMIC LABOR (COCAL), A GRASSROOTS COALITION OF ACTIVISTS IN NORTH AMERICA WORKING FOR CONTIGENT FACULTY: ADJUNCT, PART-TIME, NON-TENURED, AND GRADUATE TEACHING FACULTY. LOOK AT THE NEWS FOR EDUCATIONAL WORKERS COLUMN IN THIS ISSUE FOR AN ANNOUNCEMENT OF COCAL'S 11TH ANNUAL CONVENTON IN NEW YORK CITY.

"**A** Lawyer and Partner and Also Bankrupt" is the headline of a story in the *New York Times*, as we begin this introduction. When the firm in which the 55-year-old man had been a partner collapsed, he joined another prominent firm, but took a backward career step, from full, equity partner to "service" partner. Service partners "do not share the risks and rewards of the firm's practice," have no clients of their own, have no job security. These "partners" are, well, employees. There are more and more of them: 84% of the largest firms have service partners now, up 20% since 2000. Law firms are consolidating, cost-cutting. There has been a decades-long drop in the percentage of lawyers who make partner. Now the number of associates is declining, too (Stewart). These are all people with law degrees; no wonder law school enrollment drops, as the traditional career becomes a rarity, and ever more highly trained labor becomes contingent. That is without mentioning the army of paralegals and others with lesser credentials, or the commodifying of legal documents and do-it-yourself services on line. One of us asked his country lawyer about these changes. The attorney said, in effect: by the time I retire, law practices like mine will be defunct.

Those of you teaching in the arts and sciences will note similarities. The paradigm of an academic career–doctoral study, then a well charted ascent through the ranks, culminating in 25 or 30 or so years as a full professor, and tapering off with many years on an ample pension–was never guaranteed or anything like universal, but was a reasonable aspiration for a college graduate who loved physics or sociology or art history. Now, getting the Ph.D. guarantees roughly nothing, except a load of debt. In history and literary studies, 3/4 or 4/5 of entering Ph.D. students want to be teachers and scholars on the tenure track at colleges and universities. Roughly half of those who complete their degrees in a given year will move directly into such jobs. Some of the others will eventually make the tenure track, after adjuncting for a while. Some will be contingent faculty members forever. And some will find other lines of work. Starting over in a different profession might look good. Law school might look good, even as news about the marketability of its "product" grows dire and as stories of bankrupt senior not-quite-partners make the *New York Times*.

Consider the same picture now as a snapshot of an occupational labor force. Of those teaching in colleges and universities, around 75% are contingent workers: short contracts, no assurance of renewal, low pay, maybe health insurance but probably not, no pension fund, little if any say in faculty governance or in the making of curriculum, maybe no office and no phone, maybe several other jobs off the tenure track. Many adjuncts have Ph.D.s; many have M.A.s; and many, like real estate agents, computer programmers, or dietitians who moonlight at community colleges or for-profit universities, have no degree that traditionally qualified people for college teaching. It is a lot like the legal work force. In both professions, the old, secure and privileged core has been shrinking for decades, and the periphery of part-timers, adjuncts, contingent workers, service partners, and so on (the names proliferate) has grown. Some of the peripherals have core

degrees, many (e.g., paralegals) do not. A larger and larger part of the profession's work is done on line. By whom, one might ask? By poorly paid pieceworkers; by the student or client herself. And *cui bono*? The for-profit employer of piece workers, or the administration at Defunded State U., or . . . . More about that, soon.

This issue of *Radical Teacher* puts on display more examples of professional decline. The ones just mentioned have to do with weakening the semi-monopolies that strong professions maintained in specific areas of work: the adjudication of disputes (law), and instruction in colleges and universities. Articles in this issue add examples from other fields. Even medicine, long at the pinnacle of the professional universe, now keeps doctors focused on their computer screens by the electronic record keeping systems that (as Matt Anderson shows) deflect them from paying attention to their patients. And not only do medical practices contain ever more numerous helpers and specialized practitioners with less training and lower pay than physicians, but Walmart and other marketers are now turning the work of healing into a retail business.

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Weaker professions have lost ground, too. As readers of this journal know well, K-12 teachers have less and less control over what and how they teach. Lightly trained Teach for America recruits and many others without the old, state-mandated credentials, are taking classroom jobs from K-12 teachers and saving money for school districts. These short-term teachers are especially common in the charter schools that are now most of what survives in public school systems like Philadelphia's and New Orleans' (see Magali Sarfatti Larson's article in this issue). In Canada, as Tami Oliphant and Michael B. McNally note, librarians no longer catalogue books, so much as input squibs sent by publishers, while research with documents that was previously done by librarians and archivists is outsourced to for-profit genealogical companies. In journalism, always one of the less organized professions, bloggers paid little or nothing now do a vast portion of online journalism, while newspaper and television jobs vanish (see C. W. Anderson, below).

Similar reassignments of professional labor in other fields come readily to mind. Work is outsourced to

engineers and radiologists in India who are paid one-fifth as much as their displaced counterparts in the United States. Tax-preparation chains like H.&R. Block take over the tasks of professional accountants, if they are not already being replaced by do-it-yourself taxpayers themselves, using software from the Internet. Not to mention more complex or chaotic, unplanned shifts such as the closing of public mental hospitals with a consequent flow of the emotionally ill onto the streets and often, then, into prisons--some run for profit.

We have focused on the loss of professional jobs. That loss, along with the failure of many professional school graduates to find the careers they expected, challenges the credibility of professional education generally. The articles in this issue by Michael Olivas and Paul Campos provide differing analyses of this "crisis" in legal education. Chris Anderson writes about the ever slimmer chance that going to journalism school will open the door to a career in the print or broadcast media. Other symptoms of decline: Bosses increasingly manage the work of professionals (over half of doctors and lawyers now work for salaries). Professions like these two become increasingly stratified; some with the right credentials get rich while others who are equally qualified get crumbs. For-profit companies take over the work of traditional professionals. And, in the world of K-12 education, federal regulations and planning move into areas such as curriculum formerly under the control of teachers' groups and local school boards– c.f. No Child Left Behind.

By contrast, ever since the professions more or less formally organized themselves at the end of the 19th and beginning of the 20th centuries, practitioners enjoyed a prestigious and economically secure work life. They achieved it by asserting and defending a monopoly over a particular occupation. In so doing, they managed, as Magali Sarfatti Larson noted in her path-breaking 1977 study, "to translate one order of scarce resources – special knowledge and skills – into another – social and economic rewards" (Larson, xvii. We are pleased to publish her retrospective on and updating of her 1977 analysis in this issue of *Radical* Teacher). The process of obtaining what sociologist Andrew Abbott calls their "jurisdictions" or their ability to maintain control over the provision of their particular services and expertise was hardly smooth. It often required either destroying competitors, as physicians expelled midwives from childbirth, or the development of legitimating procedures by such outside institutions as the university, the teaching hospital, and the state.

Not every aspiring profession obtained the monopolistic control enjoyed by such iconic ones as medicine and the law, but all aspired to the standard model that they exemplified. Some of its main features were:

    a.) respect, social status, and a secure and often highly remunerative income

    b.) expert knowledge (usually as certified by an educational institution, professional organization, or the state)

    c.) workplace autonomy

    d.) peer control over access

    e.) a service ethic, often with a code of conduct.

Not every profession adheres to this model. Academics, notably, are employees as well as independent scholars. There are also considerable gradations of status within every profession. Not just money or prestige, but the very work is different–as are the clients. Partners in the big Wall Street law firms advise corporations and negotiate deals but have little in common with the store-front practitioners and jailhouse lawyers who help individuals buy houses, get divorced, and contest D.W.I. violations. True, they all have credentials from law schools, though not necessarily from ones with the same status or access to lucrative careers.

And those credentials – a crucial, perhaps *the* crucial, element in the professions (provided by the professional academics themselves now under attack) – not only stand in for the expertise that makes up the core of a professional's work, but also serve as a gate-keeping device. They also, along with the profession's traditional ethic of service to its clients and the common good,

MEDICAL COLLEGE FOR WOMEN. COURTESY OF LIBRARY OF CONGRESS

legitimize a profession's monopolistic control over its market. Especially when it receives state recognition, such a credential reaffirms the professions' ostensibly meritocratic nature, as an engine of social and economic mobility open to talent and hard work. That claim, as Larson points out, reinforces the American egalitarian myth that conceals modern capitalism's inequitable reality.

Just as there is no platonic form of a profession in North America, much less in all societies, there was no golden age when professions serenely ruled their jurisdictions. Occupational groups struggle against rival practitioners to establish and secure professional autonomy, authority, and privilege. Some make it; some never do; some manage partial and precarious success. And succeeding is not forever, as the articles in this issue of *Radical Teacher* demonstrate. (See, also in this issue, the review by James Davis of a recent collection on the present condition of the professions). Corporate values and the hierarchical administrative practices that accompany

them are now undermining most professions, destroying the intrinsic rewards of a professional career, and limiting the ability of professionals to serve the best interests of their clients and the broader community.

Is there a pattern in these ups and downs? Might an historical narrative help find it? We think yes, and would propose a story along these lines: gradually, through the nineteenth century, the traditional professions of law and medicine grounded their practices in bodies of knowledge; elaborated them in journals, conferences, and so on; organized themselves in departments and national organizations; regularized admission to and advancement in their ranks; won the right (often backed by legislation) to exclude rival practitioners; and gained recognition as experts, better pay than most non-professionals, and such perquisites as job security. Other groups strove to professionalize at the same time. University professors (for whom job security was eventually formalized as tenure) are the group best known to readers of *Radical Teacher*. The lineup also includes engineers, accountants, librarians, nurses, architects, social workers, dentists, and others that consolidated their positions in the early 20th century. A smaller number did so later (e.g., audiologists, on a small scale, around 1950; computer scientists in a disorderly, then triumphal, march through the 1960s and after). By and large, the professionalizing of new labor groups slowed from 1970 on and older professions began the slide that continues unabated today. What might explain such a story–"explain" in the informal sense of locating it in a broader narrative, and connecting it to the forces and agents that have shaped our world?

> *We did not need Warren Buffet or, now, Thomas Piketty to teach us that the one-tenth of one percent have won the class war, though it is encouraging to hear the wild ovation greeting Piketty's book, and to hope that Capital in the Twenty-First Century will help secure a permanent place in mainstream media and politics for the central idea of the Occupy movement.*

The first part of such an explanatory move is easy: the professions achieved their modern forms and their prominence just when entrepreneurial capitalism was morphing into a system managed by large, vertically integrated, industrial corporations (Standard Oil, General Electric, U. S. Steel, Procter and Gamble, etc.) that controlled the economic process from the extraction of raw materials through manufacturing all the way to the sales effort. Then, in the 1970s, just as the corporate system began its transition into the casino capitalism we now endure, the professions lost their momentum. In short, the period when professions dominated major fields of mental labor coincided with the peak time of the Fordist regime ("monopoly capital," as Baran and Sweezy called it).

The other part of the explanation is more challenging. For our purposes, a highly schematic sketch will have to suffice. Around 1900, the giant corporations came increasingly to rely on bodies of knowledge built by professionals, especially in science, engineering, business methods, and corporate law. Professionals also took vigorous part in regulating and limiting the rapaciousness of those same corporations, through public organizing and state action; progressive era reform bore the stamp of distinctive professional attitudes and ideology (Wiebe). To that contradiction–professionals both advanced and checked the corporate rise to power–add another. Professions both fought to improve working conditions, health, and safety for the industrial proletariat, and sought to regulate working class life through projects that ranged from rules for nutrition and family hygiene, through public schooling and settlement houses, to legislation against riot, sex, booze, and racial equality. These contradictions were tolerable because through them, corporations got rich, workers' lives improved, and the social order became less cruel and unpredictable. And of course professionals worked them to great advantage. Not only did they win higher pay, prestige, and privilege; their ideology of progress through expertise and rational planning won many adherents, though by no means defeating the bourgeois ideology of competitive individualism. Their leading institutions–the university, the suburb, and so on–came to represent the good life to millions who wanted it for themselves or their children (Ehrenreich and Ehrenreich).

To complete the explanation, we need not only a temporal link (the early 1970s) between the cresting of Fordism and the cresting of the professions, but also causal links. Here, we can do no more than gesture in their direction. We would look for them chiefly in the area of (surprise!) class struggle. At the same time as U.S. capital faced significant economic competition from Europe and Japan, it also found its social order and its imperial war seriously challenged by the 1960s movements. It took arms both against those movements and against organized labor, which had gained pay and a small share of workplace control in the postwar period. That campaign relied on casualization, union-busting, stripping away health and retirement benefits, subcontracting, outsourcing, off-shoring, sanctifying free trade, and deskilling work (partly via computer technology). Then, when capital turned hostile attention toward mind-work, it used many of the same weapons against professionals, along with–crucially–the defunding of public services and institutions, including the university. The "fiscal crisis of the state" (O'Connor) provided a framework and method for this attack. Along with the backlash against the campus uprisings of the late sixties, the case against "political correctness" came to rationalize cutting support for the academy. More generally, the work of right-wing foundations, the emergence of Reaganism and then neoliberalism, the spread of libertarianism, the rise of the Tea Party, and so on provided a venomous potion of confused but powerful ideologies to sap the vitality of professions.

We did not need Warren Buffet or, now, Thomas Piketty to teach us that the one-tenth of one percent have won the class war, though it is encouraging to hear the wild ovation greeting Piketty's book, and to hope that *Capital in the Twenty-First Century* will help secure a permanent place in mainstream media and politics for the central idea of the Occupy movement. We would just reemphasize here our claim that the victory of the billionaires is making losers of professionals as well as of blue-collar workers. To be sure, not many Ph.D.s and M.D.s are sleeping in homeless shelters, and a minority are doing better than ever. But most new recruits are not, and the professions as institutions are faltering. The articles in this issue of *Radical Teacher* open windows on their present disorder, though some of our authors would surely contest the hypothesis of a long historical retreat.

That retreat accelerated in the crash of 2008: could an economic recovery win back lost ground? We are skeptical. Six years later, state funding has returned (spottily) to our sector of the academic profession (the humanities), and the gap between the number of new doctorates and the number of tenure track job listings has narrowed a bit. We do not expect it to return to pre-recession levels, miserable though they were. We will not try to "prove" this conjecture, just make three observations that give it initial plausibility.

First, after the academic job market tanked, in the early 1970s (when the U.S. working class also stopped making economic gains), and after at least two subsequent recessions, tenure-track employment in the humanities did not bounce back to its previous levels, relative to the growth of higher education. Structural change occurred; adjuncts were hired to do more of the teaching that tenure-track faculty members used to do. That restructuring was reflected in the size of scholarly and professional organizations: for instance, membership in the Modern Language Association dropped from over 30,000 members in 1970 to about 28,000 now, while postsecondary enrollment in the United States was doubling. Membership in the American Association of University Professors dropped by half, in the same period– i.e. by 75% relative to the number of college and university students. Second, the post-2008 economic recovery has in general benefited the rich a good deal, the 99% relatively little. It would be strange if such an upward redistribution of income and wealth returned higher education to its former prosperity. Third, unless there are radical changes, processes such as the privatizing of public services, the ballooning of college administrations, and the digitalizing of almost everything, which have gnawed away at academic labor for decades, seem unlikely to go into reverse.

Comparisons with other professions would be instructive, but impossible to do in the time and space available for this introduction. So we simply reiterate our belief that if the reconfiguring of our political economy that has gone on apace for 40 years continues along the same lines, there is no reason to expect it to become more hospitable to professions than it has been so far. Crises in energy, food, and the ecological underpinnings of our

civilization seem likely to make things still worse. Of course if the earth fries, survivors will have more to worry about than the well-being of professors and lawyers. Short of apocalypse, though, people in the professions will worry, and will need to think strategically.

It may be handy to think of radicals in the professions as presented with a strategic choice: work to rebuild the structures, the power, and the market havens we had in the 1960s or cast our lot with the traditional working class and the ever broadening swath of it now often called the "precariat." Of course, the two projects are not mutually exclusive. Regaining at least some of the professions' traditional autonomy, economic security, and ability to transcend the marketplace almost certainly requires coalitions with workers in other sectors – i.e. the 99 %. Whether those coalitions develop within traditional labor unions or some new political formation, once professionals opt for solidarity with – instead of superiority over – their clients and fellow workers (a non-trivial project), they might be able to restore some of their lost autonomy. They might even regain the power to direct their research from the corporations that have been assiduously privatizing it, as well as contribute to the movement for a more just society. Science for the people is as sound an idea now as it was in 1970. Just to take one obvious example, both medical professionals and their patients would benefit from a single-payer healthcare system and the socializing of medical research.

> *Meanwhile, until either socialist revolution or the collapse of civilization occurs, there will doubtless be ordinary teaching days, department meetings, curriculum planning sessions, and proposals before the faculty senate. The essays in this issue of Radical Teacher point toward practical issues for left practitioners in K-12, undergraduate, graduate, or professional education to engage.*

No one route will take us to where we want to go. In the short term, as McNally and Oliphant imply, unionization (or its equivalent in right-to-work states and other places where the NLRB does not reach) may well provide the most effective tactic. For academics, that means overcoming the status divisions within our profession and supporting, even joining, the organizing efforts of TA's and part-timers, not to mention the secretaries, janitors, and other campus workers, all of whom confront the same corporatizing administrators. We could seek broader alliances, as well, with other declining professionals and with our students whose disastrous indebtedness stems from the same defunding of the public sector that now guts the professoriate. Ultimately, we need a broad-based social movement that contests the power of the plutocrats on every front.

Meanwhile, until either socialist revolution or the collapse of civilization occurs, there will doubtless be ordinary teaching days, department meetings, curriculum planning sessions, and proposals before the faculty senate. The essays in this issue of *Radical Teacher* point toward practical issues for left practitioners in K-12, undergraduate, graduate, or professional education to engage. How, for example, should we modify our own pedagogy and scholarship?

As they grapple with those issues, our authors range from the classroom to the courtroom, raising questions and suggesting possible ways to resist the deskilling and precarity that today's capitalist system imposes on professionals. Though they produce no easy answers, their proposals and analyses, by revealing the ubiquity and similarity of the problems the professions face, may perhaps encourage us to think in broader terms and to take at least some steps toward the collective action that we so desperately need.

Jeffrey Williams, for example, explains how he transforms the decline of the professions into a literal teaching moment by offering a course on the subject. One can imagine the value of such an exercise in mobilizing student support for the TAs and adjunct instructors who might presumably teach such a course. As she updates her earlier historical analysis of the professions, Magali Sarfatti Larson also explores the current situation of K-12 teachers and their unions. Several other authors – Chris Anderson, Paul Campos, and Michael Olivas – address the dilemma of the professional schools that produce graduates for the increasingly elusive careers in law and journalism. That they can find little consensus attests to the intractability of the problem – especially if handled within the parameters of current capitalism's common sense.

We did not ask our authors specifically to discuss how computers contributed to the decline of their professions; but several, including Matt Anderson, Tami Oliphant, and Michael McNally, write of ways in which technology, along with the commercialization and mechanization of information, allows privatizers, corporations, and state regulators to undermine the expertise and ability of highly trained professionals to serve their traditional clients. Claire Bond Potter, on the other hand, offers an upbeat assessment of the prospects for digitizing academic work that could, she claims, offer new opportunities to endangered professors and their students. We are more resistant to Potter's optimism than we would like to be. We have seen too many techno-bubbles and failed academic utopias to rest a lot of hope in technological or entrepreneurial fixes.

Still, these essays do not leave us in a slough of despond. We can, for example, take encouragement from such organizing gains as those of the K-12 union in Chicago, the agreement just reached (after five years without a contract) between their counterparts in New York City and the de Blasio administration, and the achievement, this spring, of collective bargaining rights by faculty unionists at the University of Illinois at Chicago. Similarly, Piketty's ascent onto the best-seller list may signal a long-overdue change in the ideological climate. Certainly, we are not about to abandon the struggle for a decent society. Who knows, we might even win – some day.

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RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

Looking Back and a Little Forward: Reflections on Professionalism and Teaching as a Profession

By Magali Sarfatti Larson

Magali Sarfatti Larson's The Rise of Professionalism *was a path-breaking analysis of professions as they organized their labor and won privilege in the industrial capitalist market. We asked her if she would reflect on what she wrote in the 1970s, and on how the conditions of possibility for professionalism have changed since then, with an example from the present moment: she chose K-12 teaching.* --The editors

A second edition of *The Rise of Professionalism* was published in 2012, but I wrote the book in the early 1970s. Back then, the broad concern with the constitution and uses of expert knowledge, present in America since its founding, was fraught with anguished criticism of how expertise was applied to the conduct of the Vietnam War. Experts were suspect.

However, also in 1972, David Halberstam had precisely accused the elite in charge of our foreign and military policy of *ignoring* the authentic expertise produced by professionals at State and in the Defense Department. And forty years after Vietnam, as we marched toward another war on flimsy justifications and forged evidence, experts at the Central Intelligence Agency were asked to set aside what their professional knowledge stood for. When I approached the professional rite of passage of writing my doctoral thesis, our trust in expertise, the effects of this trust, and the real power that experts had were questions that hovered in the background of my work.

My first steps toward studying professions were prompted by practical experiences. I was interested, initially, in the attempts to unionize employed architects in the Bay Area; knowing that even high level credentials did not do much to prevent job insecurity and dubious career paths, I was surprised to hear the organizers report that many architectural employees considered unionization unprofessional. Similarly, as a lecturer at San Francisco State, I had seen the faculty strike of 1968 greeted by other colleagues and the press as "behavior unbecoming" for professionals. This was quite different from what I knew had happened (and was still happening) in Europe.

Both the modern professions and the bureaucratic organizations of big business belong to the process of rationalization of capitalist societies. For many sociologists, the central social functions that professions serve explained the attributes that were hashed and rehashed in multiple definitions: the extensive knowledge professionals must acquire, the specificity of their work, the reliable uniformity of their behavior, their privileged social status and the unity of their organized group – the "community within a community." In this perspective, professions are agents of order because of their special knowledge and their ethics, while lesser occupations aspire to follow a path that leads, presumably, to the same desirable end point.

The analyses and descriptions I read were mainly derived from the established professions of medicine and law, whose defining characteristics became the parameters by which to judge "semi-professions." This did not dispel my feeling that "profession" and "professional" were judgments of value, as often as descriptive or analytical categories. The sociologists of the Chicago school confirmed this sentiment, for their empirical work refuted the idea that there were differences of essence between professions and less exalted occupations. My focus then became the process—or, as I called it to mark the power of agency, the collective *project*— by which these privileged occupations had become what the public and many sociologists assumed they were. I did not expect to be original, *and I do not believe I was, except that I may have been the first trying to do something different in the sociology of professions.*

In this essay, I will briefly recapitulate what I said in the book and distinguish what I would like to have done differently from what I still consider worth taking seriously. Finally, instead of speculating about the future, I will offer some reflections about the profession of teaching. Teachers are under great stress today and even under direct attack in many parts of the country. They are the kind of professional that I have been for most of my adult life. Theirs is the largest category of "organizational professions" that serve the public. Their fate is tied in with our public schools and, since Jefferson, with how we see the fate of the republic.

What I did and what I did wrong

The established professions claim to have specialized knowledge that guides their actions in the service of society. This expertise, or knowledge in action, is certified; certification justifies, as Everett Hughes pointed out, the *license* they receive to act. What he called the professions' *mandate* goes further, for it gives them authority to recommend how others ("the public") ought to act (Hughes, 1971, 374-386). Historically, mandate was used by authoritative professionals to discipline and control lesser occupations and poorer citizens. That license should become mandate and extend from the profession to its individual members involves risks that can be great, as the poor clients of some court-appointed lawyers often find out at their own expense. Indeed, one-time certification does not guarantee that the certified professional's knowledge is deep enough, or specialized enough, or sufficiently up-to-date, or even adequate. But this goes back to the professions' self-organization and self-discipline, which do not appear as problems in most functionalist accounts. I was interested in how the professions as we knew them had gained such authority, and whether their mandate had emerged seamlessly from their pre-industrial past, from which they took some forms of organization and rites of passage, or, in many cases, their names.

I doubted that there could be a general theory of professions for all times and all places, so it was easy to make the pragmatic decision of restricting my research to the "Anglo-American" version of professionalism and leave aside the civil service model predominant in continental Europe. In England after 1825 and in the United States after 1840, groups of practitioners organized themselves to provide training, certification, and, ideally, self-regulation, in waves of association that took place in less than six decades; the historical matrix in which they operated had changed profoundly from earlier times and continued changing. With much work and many revisions, I put together not a theory, but *an interpretation* of the British and American professional phenomenon after the late eighteenth and nineteenth century industrial revolution.

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Karl Polanyi's great work, *The Great Transformation,* marked my entire way of seeing more lastingly than Marx, on whose framework Polanyi had built his own, as he moved toward a powerful explanation of the triumph of the market, the social resistance to its destructive effects, and the collapse he witnessed after 1929. My intellectual debt to Polanyi should have settled the accusation of economic reductionism that any evocation of Marxist concepts seems to stir up. Although some critics complained about the Marxist terminology I used (we all had different intellectual fashions), few misread my argument as narrowly socio-economic, or as denouncing professions for self-interested "conspiracies against the laity" as G.B. Shaw said in *The Doctor's Dilemma*.

Extracting structural change from the history of reform movements enabled me to see professionalization as a project that aimed at translating one order of scarce resources into another. As a *historically specific* form of organizing work, profession depended on establishing structural links between relatively high levels of formal education and relatively desirable positions or rewards in the social division of labor. On the one hand, we have what we now call credentials, formal, certifiable, and certified education under professional control; on the other hand, we have market positions that guarantee a respectable social status, a relatively decent living, and a measure of autonomy at work. Credentials *and also* market shelters because the excesses of unregulated competition were the main incentive for reform. Indeed, social mobility was a strong and recurrent impetus for the practitioners involved

in professionalization. Once established, these structural links would channel and constrain further purposive actions.

The first part of the book focuses on what was necessary to establish a protected market. The expert knowledge that professionals transact on the market is a fictitious commodity in Polanyi's sense: the producers themselves have to be "produced" and their services made recognizable, different from alternative forms of service, and hopefully better. Educated labor, however, is embodied in individuals that have not been produced for sale, even if their services were intended for exchange. The "branding" of their special services cannot emerge from the market itself. It depends on practitioners consenting to be trained and certified by the accepted institutional centers. Even in societies of a liberal stamp, where professional reform arises from a competitive market, these movements address their claims to the state, as the ultimate institutional guarantor.

The greatest flaw of The Rise of Professionalism is its abstraction and generality.

Analyzing the belated success of medicine as the archetypal profession, I became convinced that knowledge, be it in Latin or vernacular, be it classic or "modern," abstract or empirical, restricted or created in excess by over-training, was never sufficient *by itself* to establish the superiority of trained professionals *vis-à-vis* their sometimes less trained rivals. I never denied the necessity of training in a knowledge that was formal, codified, standardized, verified, and probably as advanced as possible; in the long run, superior efficiency marked a profession's victory over its rivals. But the comparison between medicine and engineering (which I still consider a core part of my book) taught me the importance of structural elements in the potential market for medicine as well as that of the cultural and political context. My conclusion was not that engineering had *failed* to professionalize, but that medicine's path was unique, even if it inspires emulation. In fact, engineering appeared as the precursor of most of the professions that would develop later in the nineteenth and twentieth centuries, which I called organizational professions.

I started emphasizing the changed world to which professionals were responding throughout the nineteenth century. However, they also had a past. As one classic English author put it, "The new professional men brought one scale of values—the gentleman's—to bear upon the other—the tradesman's—and produced a specialized variety of business morality which came to be known as 'professional ethics' or 'etiquette'" (Reader, 1966: 158-159). I too looked at professions under the light of the "anti-market principles," in which Polanyi rested the "self-protection of society." There was limited empirical evidence of the professions' "service ideal." However, if the professional project required creating a not yet developed market for expertise, the occupation had to advance the function it claimed to serve. The service ideal could then be rephrased as R.H. Tawney's "principle of purpose," involving the professions with the consequences of savage industrialization. At the individual level, the professional work ethic stressed the intrinsic value of work, blending the notion of calling with craftsmanship ideals that were increasingly negated by capitalist industrialization.

The greatest flaw of *The Rise of Professionalism* is its abstraction and generality. They come from my dependence on the secondary sources that were available, not primary materials. Moreover, I limited my study to a woefully incomplete comparison of England and the United States because I could not possibly do more at the time. I emphasized differences as much as commonalities between England and the United States before moving to analyze the rise of corporate capitalism and organizational professions in America. At that point, the model based on early twentieth century medicine clearly did not offer a realistic portrait of the work conditions of new occupations (social work, librarianship, teaching at various levels, public health inspectorates, and the like) that claimed to have expert skills. In sum, I had not meant to say that all professionalization processes aimed toward the same goals and arrived at the same place, for I saw *the model* of profession as historically specific and historically limited. But despite the different conditions of twentieth century organizational professions, the model drawn from medicine and the law could function as a vigorous ideology of what is desirable in the world of work.

Analyzing the belated success of medicine as the archetypal profession, I became convinced that knowledge, be it in Latin or vernacular, be it classic or "modern," abstract or empirical, restricted or created in excess by over-training, was never sufficient by itself to establish the superiority of trained professionals vis-à-vis their sometimes less trained rivals.

Undoubtedly, I exaggerated the discontinuities between pre-industrial past and market society; a more attentive observation of history would often have dispelled them. But even the profession of law, which was the first to disengage itself in fourteenth century Europe from the tutelage of the church, did not develop until the nineteenth century the stable and intimate connection with training and examinations (or "objectively" verified competence) that came to be the hallmark of profession. Status advantages are not distributed randomly: in most countries, the same "old" professions are in some way protected by law from unqualified competitors, while the new occupations sheltered by market closure tend to perform activities in the national interest. But even if privileged workers put their educational advantages to comparable uses, this does not mean that any occupation with special skills will seek, much less obtain, professional status.

That was not a mistake I committed; but my overly schematic account was most wrong in implying that even the classic professions existed at the onset as a unified actor. On the contrary, professional reformers had to create the very field in which reform could advance—the modern profession itself. Elizabeth Popp Berman's compelling study of English medicine from about 1780 to the Medical Reform Act of 1858 shows what an arduous job it was: "more things divided doctors than united them. It took several attempts to create an organization with a strong shared identity to bind doctors together despite the partitions of rank, geography, and tradition" (Popp Berman, 2006: 188). She finds empirical evidence for something that I had emphasized theoretically: work in hospitals provided doctors with an identity-forming organizational base, as collective places of work do for most workers.

I also took too much for granted at the edges of the professional project: I let the university, with which reformers sought a link, and the state, from which they expected institutional sanctions, appear as static audiences, devoid of internal dynamics and motivations of their own. There are many other omissions in my book. Most glaringly, I did not deal at all with the professions' discrimination against women and ethnic and racial minorities. I touched on the effects that the Flexner reform of the medical field in 1910 had on midwives, women, minorities, and poor students, but only in passing. I should have emphasized that the "classic professions" were mostly male and mostly white. Undoubtedly, gender has profoundly marked the professionalization of teaching that Catharine Beecher called "the true and noble profession of women." Much important work on the subject was to come, not only from individual authors but also from institutions like the National Academy of Science or publications like the *Journal for Women and Minorities in Science and Engineering*, started in 1994.The questions raised by the feminization of professions (about their social advantages, and even about the forms of deployment of expert work) remain open.

Finally, I did not touch directly upon the professions' discursive authority. Public discourse is an elite function, as I showed in my later work on architecture; in many professions, it is centered in the academic or research branch. The authority to speak for the whole field trickles down to the ordinary practitioners: they have not created the discourse that goes with the profession's mandate, but they act within its boundaries

What is still valid?

First of all, I think it was important to approach professionalization as a historically situated process. For some historians, the rise of social strata that did not depend on the sale of labor power, as factory workers did, but rather on state recognition, was the most significant transformation of the occupational and class structure in nineteenth century England (Perkin, 1989). I did not deal with civil servants, but with groups who were pioneering a characteristically new form of knowledge-based inequality. They too depended on the state for the success of their project. They anticipated what John and Barbara

Ehrenreich called the "professional-managerial class" in 1977 (Ehrenreich and Ehrenreich, 2013).

Later, Andrew Abbott aptly called *jurisdictions* the recognized claims that tie an occupation to a core set of tasks, and he argued that competition is what moves occupations to strive for jurisdiction; linked by competition, they belong to an ever moving and dynamic *system* of professions (Abbott, 1988). I think that his emphasis on interdependence and on the "work core" is very important, but my focus was to underline the monopolistic tendencies at the heart of the professional project. Converting one order of scarce resources into possibly another (credentials, as proxies for expertise, into protected opportunities, special status, and work privileges) and protecting scarce resources imply a tendency to monopolize them.

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Second, I believe it was right to give engineering as much attention as sociology had previously given to medicine. Indeed, if abstract and esoteric knowledge applicable to areas that are socially important is so fundamental, why has engineering not acquired market power and control comparable to medicine in the United States? An easy answer would be to look at what the profession of medicine has become under the British National Health Service, but that did not apply to the beginning of professionalization. I stand by the structural dimensions of market control that the comparison enabled me to deduce: they form a constellation of structural factors that are variable, and determine conditions more or less favorable to particular professions at particular times.

Favorable conditions include: a widespread, if not universal need for the profession's expertness; a service dispensed in private and not embodied in physical objects (easy to regulate or replicate); a clientele that is not organized; a market that is independent from capital and goods markets; the state's interest in the functions served by the profession; and, last but not least, effective institutions for the production of producers and a well-defined cognitive basis (Larson, 2012: 47-48). Anticipating what will follow, we note that public sector teaching appears at first sight to be favored by an ever-expanding, captive and unorganized clientele, to whom it provides expert services in the relative privacy of the classroom, in a market that is not a market at all but an important apparatus of the state, which has a paramount interest in the performance of this service. For these reasons, indeed, many European states have organized professional

teaching on the civil service model, especially at the secondary levels, long reserved to social or merit elites.

Thirdly, for professionals to coalesce into a group, their knowledge basis had to be shared, that is codified and standardized; for ". . . the codification of knowledge . . . depersonalizes the ideas held about professional practice and its products. It sets up a transcendent cognitive and normative framework within which, ideally, differences in the interpretation of practice and in the definition of the 'commodity' can be reconciled" (Larson, 2012: 40). Opening the door to "de-standardizing" developments, I added that exceptional skills (even individual genius) rise from what remains indeterminate in the cognitive basis and in the practice of a profession. A foundation in science connects the professional producers with modern society's paramount source of validity; however, the centers for the "production of producers" are themselves in different classes of prestige. The research universities are at the top of the hierarchy; this has been significant, for instance, in the "genealogy of the movement to professionalize teaching." As David Labaree points out, the specialized knowledge that is supposed to guide teachers' practice comes to them from outside their ranks: it is produced, concentrated, and diffused by schools of education, though not by all of them equally (Labaree, 1992).

Much before the information revolution, the second wave of professions developed as providers of expert services within the organizations that employed them. In my view, the supposed conflict between professions and bureaucracy could be dispelled, for it was based on an idealized notion of "free" profession and Weber's model of bureaucracy taken as a totality (Larson, 2012: 190); bureaucracy and professions develop jointly, as capitalist rationalization advances and state power is concentrated. This was conspicuously true of school teaching, which acquired its modern features only with the compulsory education acts that included secondary schooling after World War II.

The subordination of professionals in large organizations inspires much contemporary research on professional work. True, an important category of organizations that we call professional is *autonomous.* They are medical partnerships, large law and accountancy firms, large engineering and architectural offices, founded and managed by professionals. Except for health professions, the typical clients of these firms are other organizations (either private or public). Today, the large majority of professionals work in organizations, and an increasing number are employed in *heteronomous,* by contrast with autonomous, organizations: they are not governed by colleagues but by professional managers, like school principals and superintendents, or hospital administrators, or personnel managers of various kinds.

Organizational professions are spawned by the state, the business corporation, the university. Some professions (notably, health professions, social work, teaching, many areas of the law) are crucially involved in the delivery of a service to clients; but those that I called "techno-bureaucratic" apply their expertise on behalf of the employing organization or of the latter's clients. The

orientation to the client is thus a crucial differentiating factor: it distinguishes what T. H. Marshall called "socialized professionalism" from that of the experts ensconced in large organizations (sometimes in enclaves, like scientists or engineers in industry). Indeed, both categories may have to protect their work autonomy and standards, but the situation of "service" professions demands that they do more than just guard against managerial encroachments: even before our time of austerity-as-virtue, they have had to defend the service they perform from cuts in the organizations that deliver it. Whether they engage in alliances with their clients or not, defending their field moves them, in collective self-interest, to advocate social needs and often public goods. It is precisely their conditions of work that call "service" professionals to "promote the performance of function," giving to professionalism the meaning that R.H. Tawney intended: not to make money only, but to "make health, or safety, or knowledge, or good government, or good law" (Tawney, 1948: 94-95). British researchers, in particular, have argued that the ideas of profession and professionalism can be used by management "to control the increasing margin of indeterminacy or flexibility in work." But even though the meaning of professionalism is contestable, there are clear hints in this literature that subordinate professionals are at risk of losing their immunity to top-down reorganization of their work (Fournier, 1999: 301-302).

The subordination of professionals in large organizations inspires much contemporary research on professional work.

I had considered the role of professionalism as ideology in my book, and I was criticized for it. In a 1980 article I looked directly at what disempowerment could mean (Larson, 1980). Throughout the evolution of capitalism, educated labor, and especially the sectors organized into professions, appeared as the subjective opposite of the industrial working class. Moreover, the engineers and managers that worked directly at the service of capital actually played a large role in dispossessing industrial labor of self-regulation and skills. I doubted that they, or other privileged workers, could experience a comparable deprivation of technical autonomy, even though increasing numbers of credentialed workers had to sell their labor and work as subordinates. At the end of the 1970s, before the boom years of Information Technology, many professional categories faced static if not shrinking labor markets and stagnant salaries. Except for the aggravating circumstances of ballooning student debt and severe fiscal cuts, the situation of educated labor was analogous in its main features to what it is today. But was it, could it be, analogous to that of industrial workers, despite the outsourcing of skilled white-collar tasks?

Both proletarianization and professionalization touch *collectivities*, not individuals only. However, the production of producers embeds expertise in individuals, creating at least the illusion of individual choice and individual mastery

upon one's skills. This, indeed, is one of the strong and enduring features that attract people toward professional training and careers. Moreover, most employers prefer to hire people with degrees, not because of any specialized knowledge they may possess, but because the offer is there and it demonstrates a minimum of "middle-class" virtues. Thus, college degrees establish a binary division in the social division of labor, a fragile protection against even more insecure, worse paying, and more subordinate forms of work. Oversupply, however, is a problem: it devalues first level degrees, stimulating both jurisdictional disputes in specialized areas and "academic escalation" in fields that invent a research function, with the attendant M.A.s and doctorates.

Professions like architecture and journalism suffer from economic trends and crises independent of the educational system. For organizational service professions, cost efficiency has meant intensification and overload, accompanied by increased regulation and performance metrics. Particularly in the United States, teaching, social work, criminal justice occupations, and others are cut down by fabricated fiscal austerity. With this background, I shall now turn to the not-quite-full-fledged profession of teaching, as it weathers a powerful storm.

Thinking about teachers' professionalism

The teaching occupation lives, as I have said, within large and heteronomous organizations—the school districts. Even if, at the local level, schools may not be large, teachers in them are still the subordinate implementers of policies decided elsewhere. Today, the storm that threatens teachers, most especially in large cities, circles back to the question with which I started: is it "professional" to join a union? Unions have been under attack i

ELEMENTARY SCHOOL ROOM. COURTESY OF LIBRARY OF CONGRESS

every sector of work since the mid-1970s, but in K-12 teaching, they are often presented as the opposite of professionalism, defined from above.

The story goes back to the first period of teacher unionism; it started with Margaret Haley's historical speech on the floor of the National Education Association in 1904, where she outlined what teachers lacked and what schools needed to be fit for a democracy:

1. Greatly increased cost of living, together with constant demands for higher standards of scholarship and professional attainments and culture, to be met with practically stationary and wholly inadequate teachers' salaries.

2. Insecurity of tenure of office and lack of provision for old age.

3. Overwork in overcrowded schoolrooms, exhausting both mind and body.

4. And, lastly, *lack of recognition of the teacher as an educator in the school system, due to the increased tendency toward "factoryizing education," making the teacher an automaton, a mere factory hand,* whose duty it is to carry out mechanically and unquestioningly the ideas and orders of those clothed with the authority of position, and who may or may not know the needs of the children or how to minister to them." (in Diane Ravitch's blog, September 12, 2012, italics mine)

In front of an organization run by male administrators and professors, Haley, the first woman to address the assembly from the floor, spoke of unions being the only way to achieve the "educational ideal" by applying "the most advanced education theory." She fused teachers' professionalism with their working conditions and demanded a share of power, claiming "The same things that are a burden to the teacher are a burden also to the child. The same things which restrict her powers restrict his powers also" (in Hlavocik, 2012: 510). Then as now, coalitions led by business and middle-class reformers opposed teachers' power, either in their unions or in the schools. Instead, they offered educational credentials as a proxy for professionalism, classroom autonomy, and, for a few teachers recruited to different training programs, a passage into administration (Lazerson, 1984: 269). The stage was set then, much before the momentous postwar expansion of education, for what teachers must also confront today: centralized administrative power, technocratic leadership by outsiders, and a business model whereby market principles penetrate the state under the guise of reform.

Let us consider some numbers. In the United States, school teachers are by far the largest occupation among those listed as "Management, Professional and Related" by the Bureau of Labor Statistics, followed by registered nurses. In 2008, teachers of all kinds, including preschool and kindergarten, special ed, "other teachers and instructors" and substitutes were over 6 million; in 2012, their ranks had dwindled to 5,860,000 but still represented 4.1% of the total employed labor force, 10.8% of "managerial, professional and related" and 68% of the education sector. K-12 teachers are a mass occupation; at 35.4% they have the highest unionization rate in the country. Even in the United States, where anything public is often disparaged, teachers massively provide a public good: in 2009, public schools taught 90% of all students, a proportion that has increased in the last decade and is expected to continue rising. Undoubtedly, the profession has been created by the advancement of state functions. Universal mandatory education in the twentieth century has been the watershed that transformed this occupation into what it is today: a huge category spread out at many levels, still predominantly female, highly educated, and, in many countries but not

ours, following a civil service model. It also introduced very high expectations around a universal service provided by an apparatus of the state.

Teachers' salaries loom large, especially in locally financed schools and revenue-starved municipalities; but today, above all, their competence is under attack. Teachers are judged by the "product" they put out, and they are found wanting, as if they were primarily responsible for what kids learn and do outside of school or how they test. It is not idle to note that physicians are not answerable for the paltry and worsening performance of U.S. health indicators compared to advanced (and not so advanced) countries.

> *The authority of the principal is the second form of dominance and it affects teachers most directly. Historically, professional school administrators are the creature of bureaucratic reform: at the end of the nineteenth century, the mostly male administrators moved to create distinctive programs of training, based on methods borrowed from business and economics*

A premise is therefore in order: first of all, the strong correlation between student achievement and family background has been repeatedly confirmed, and not only in the United States. While there is a test score gap between privileged and underprivileged students everywhere, the United States has the second highest rate of child poverty (23%) second only to Romania among the 35 richest countries (UNICEF, 2012). The economist Helen Ladd writes, "The low average test scores of U.S. students largely reflect our extremely high poverty rate and our relative lack of attention to the overall wellbeing of our children" (Ladd, 2012, 211).

Second, this does not mean that teachers should not try their best with disadvantaged children. Many, if not most, teachers do try, even in our chronically handicapped urban schools. Convergent studies document the unusually strong service ethic among a high percent of those who enter teaching (Ingersoll, 2003: 168-169). In my research, I saw this sense of mission produce something I called utopian pragmatism: a utopian belief in the quasi sacred function of schooling nourishes the commitment to one's daily work with hope that at least the most resilient kids can be rescued from lives of deprivation and poverty (Larson, 1995). It may not be totally unrelated to the teachers' sense of mission that, in the last decade, disadvantaged students in the United States have made substantial gains in international comparisons, while the more advantaged have not (Carnoy and Rothstein, 2013).

Political authorities also try. They regularly attempt to make every child achieve "proficiency," however illusory and variable its measurement. The top-down cycles of

reform make teachers accountable, but not principals, or district officials, or the very structure of schools, or the students' background, augmenting teachers' mistrust of programs that invariably come from non-educators. Recent legislation and programs pushed by rich philanthropic foundations have scapegoated teachers as inveterate shirkers, making them accountable for the impossible tasks that No Child Left Behind and Race to the Top have imposed on the nation's public schools. This is a bitter paradox if we consider the forms of dominance that afflict American teachers. Dominance ultimately curtails the autonomy conceded to teachers in their classrooms, and we must repeat that autonomy, a hallmark of professionalism, meant that teachers had discretion in choosing the methods by which to teach contents they seldom chose.

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The effects of dominance do not flow here from a clearly leading profession such as physicians are in the medical sector, where they have long controlled the curricula and activities of nurses and other professionals (Freidson, 1970, 137). Teachers are subordinate, first of all, to the power vested in a bureaucratic structure of command that issues top-down edicts even in a system as decentralized and incoherent as ours. The school apparatus manifests its power at national, state, and local levels; in the United States, the last two are endowed with exceptional economic and political leverage over schools, which contribute to the irrevocable diversity of school sites. Diversity determines in large part the disparity of results and poses intractable obstacles to the teaching occupation's unity.

The authority of the principal is the second form of dominance and it affects teachers most directly. Historically, professional school administrators are the creature of bureaucratic reform: at the end of the nineteenth century, the mostly male administrators moved to create distinctive programs of training, based on methods borrowed from business and economics, *after* bureaucratization had firmly placed them apart and above the mostly female teachers (Callahan, 1962). Unlike physicians, school administrators seldom have superior knowledge or expertise about teaching, but they have superior power. The principal mediates between higher administrative levels, elected school boards, and her professional staff while enjoying unmediated power within her school; therefore, much depends on her orientations and personality. In my research, the principal was pivotal for the participation of teachers in committees of governance (according to some teachers, she mandated it!). Depending on the principal, such councils may have only advisory functions (and look like mere window-dressing) or decision-making capacities, which practically all teachers consider requisite for making teaching more of

a profession (Feistritzer, 2011). Participation in decision-making, however, seldom includes teachers in the drafting of disciplinary policies or the adjudication of discipline, which are crucial for classroom efficiency (Ingersoll, 2003, 144-148).

The third form of dominance affects in a deep way what teachers ought to know, what they learn and their claims of competence. Teachers, indeed, are formed in teacher colleges or universities, not in K-12 public schools; their training centers are quite dissimilar and unequal in effectiveness, resources, and prestige. High-status universities long denied equal respect to their colleges of education but showed them the road: inventing a "science of education" provided a capital asset for the mobility project of teacher educators. Their quest for status and the science of teaching advanced together, from the mid-1960s on, in those universities that provide members and, especially, leaders to groups like Carnegie and Holmes, the main advocates of teacher professionalization since *A Nation at Risk* appeared in 1983 (Labaree,1992). In the hands of university-based educators, pedagogical science aimed at rationalizing not only the school, but also the classroom, under the rule of experts.

The first two forms of dominance are relatively simple expressions of power. A teacher who had taken the "alternative route" (from being a professional trainer in a large insurance company) told me that nothing surprised her in the organization of the school:

> *I expect it in any job situation in which you have a superior . . . unless you are the person in charge, someone is always going to tell you what to do, how to do it, what you can't do, what you should do, and it's just a matter of how you deal with it. It's contradictory [with being a professional] but no more so than in the corporate world … [There,] all they wanted was the bottom line and I was tired of that. In moving to teaching I felt I was in control of myself, in control of my classroom, hopefully, that I could be doing something to enrich somebody else's life, however small." (Larson, 1995)*

As I mentioned, some historians of education think that control over the classroom was left to teachers in exchange for exclusion from policy-making. In this they were treated like industrial workers, albeit with necessary skills: prevented from organizing for decades by explicit anti-union rulings, excluded from management, yet required to have credentials in order to *implement* policy with a large degree of autonomy and flexibility. It is not surprising that teachers should not compare themselves to the idealized medicine-based model of liberal profession, by virtue of which sociologists have declared them a "semi-profession." Professionalism *is* their individual autonomy in the classroom, although their superiors often call "professional" the willingness to comply with directives from above, and call resistance "unprofessional."

Some of the characteristic problems of teaching in the United States arise in the third dimension of dominance,

that of professional training: here, the "science of teaching" is designed to legitimize our fluctuating efforts to certify and thus, presumably, professionalize *all* the teachers. Indeed, in its 1986 report, the Carnegie Task Force on Teaching as a Profession recommended certification "because the certificate will be an unambiguous statement that its holder is a highly qualified teacher" and "can expect to be eagerly sought by states and districts that pride themselves on the quality of their schools" (in Labaree, 1992: 131). Today, many reformers vehemently criticize an education that neither emphasizes how to teach in practice, nor the incorporation of the best technologies, nor the mastery of a subject (Keller, 2013).

Except perhaps as students in the best graduate schools of education, working teachers do not participate in codifying a knowledge they are supposed to apply in practice. In truth, the complexity and variety of classroom realities defy codification (the variables are simply too many) just as they ultimately defeated the purposes of taylorized mass instruction. Yet, in 1986, the Holmes Group announced that "the promise of a science of education is about to be fulfilled," and encouraged prospective teachers to train "in a form of knowledge about teaching practice that is specialized (no longer dependent on [other] disciplines), authoritative (scientific), and inaccessible to the lay person (counter-intuitive)" (Labaree, 1992: 134). The relation between the theoretical knowledge that researchers produce and teachers' practice appears dubious to many practitioners, who see university theory as thoroughly disconnected from the complex reality of the classroom; this may in part be due to the ideology of individualism that transforms the American teacher's real isolation into valued professional autonomy, and collegial support into an admission of weakness.

Ellen Lagemann argues that university researchers turned away from John Dewey's educational philosophy to the detriment of practical knowledge. Because schools were the domain of female teachers, the mostly male education researchers ignored the ideal of the school as a laboratory for collaborative research; in their quest for status, they needed to be taken seriously by other male researchers and male school administrators, to whom they sought to dispense knowledge, consultation, and prescriptive guidelines (Lagemann, 2000). It should be

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clear at this point that teacher educators and researchers

followed what I have called a collective mobility project, along the established professional lines. K-12 teachers did not.

Now, the feminization of teaching and the separation between universities and teacher practice exist in all advanced economies. The work of teachers, however, may be particularly difficult in the United States and not only because teacher professionalization has been weak. Child poverty and persistent racism coalesce in the difficult situation of our urban schools. Relying on local funding and refusing to mitigate the deep inequality among schools (we do not like taxes, and much less taxes "for other people's children") are part of our unfortunate "exceptionalism." So is the enormous variation from state to state, politically enshrined in federal education policies; it joins the influence of diverse and even outlandish local voices in conspiring against national standards and curricula. Rather than seeking to establish serious guidelines about content, many American reformers exhibit a stubborn fondness—inherited from scientific management—for measurement and tests. It periodically leads educational authorities into maniacal bouts of testing, taken as proxy for student learning.

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With No Child Left Behind, testing penetrated the classroom, contaminating teachers' control over their class objectives and forcing neglect of whatever did not prepare the students to be assessed, in reading and math *only.* These one-shot exams, by which teachers themselves and their schools would most unfairly be judged, have led to documented abuses but have not been abandoned (Ravitch, 2011, Ch.6): testing, in fact, was even applied prematurely (and resisted) to the Common Core in New York, placing its promising development at risk (Kirp, 2013).

Furthermore, the United States is unique in enjoying the mixed blessing of philanthropic private foundations, interested in education for their own institutional agendas. With investments that seem very small compared to the $638 billion the U.S. government spent in elementary and secondary education in 2009-10, they wield enormous influence. Helped and energized by public and recurrent fears of American educational decline, the Gates, Broad, and Walton Family foundations lead a varied field. They push reforms guided by the principles of data collection (with standardized test scores taken as data), merit pay based on test scores (as reward and punishment for "duty-shirking" teachers), school "turnaround" or else school choice (with charter schools in place of vouchers), and, usually, ill-disguised dislike for the teacher unions. Accounts suggest that the foundation leaders are

themselves impermeable to solid data that go against their favored reforms. They are also able to change course at whim, as they tire of spending millions to little effect: so did Bill Gates in abandoning the small schools project or, recently, in criticizing the achievement scores that his foundation had assiduously sponsored (Barkan, 2011; Kirp, 2013). What the foundations recommend is promoted or applied by the approved personnel they place in key positions, never more easily than since the appointment of Arne Duncan (their point man when he was the CEO of Chicago schools) to head the U.S. Department of Education.

Skepticism and mistrust of government are already vivid in American ideology; augmented by teachers' weariness, they preclude serious consideration of a civil service conception of career, while 77% of teachers desire career ladders (Feistritzer, 2011, 42). Added to these difficulties in the United States is the high cost of college, which excludes many prospective teachers from solid training programs since, after all, what is expected from them is often only a certificate.

Teachers need to learn how to teach, how to teach particular subjects and, of course, they need to master their subject matter (Mehta, 2013, 481). But in the United States, even being well-trained in specialized fields does not guarantee professional respect. Ingersoll finds that the frequent (but little-known) assignment of teachers to fields other than their own is a move by those in power that denies the professionalism of teachers; principals may use out-of-field assignments as carrot-and-stick incentives but Ingersoll sees them as a deeply deskilling practice that shows the low regard in which teaching is held: "analogous behavior in medicine, law or engineering could be considered malpractice and subject to litigation or prosecution" (Ingersoll, 2003, 167 and 158-167).

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Teachers are well aware of their occupation's low prestige, but perhaps less aware of the public esteem in which they are held, second only to the military in perceived contributions to society's well-being. The devaluation of teaching in the United States is, thus, contradictory. I believe that it is aided by the university's example: professors who dodge teaching care only about research that only their field cares about, and do not protest exceedingly against the shocking proliferation of contract academic labor. Also, teaching is devalued by the

peculiarly American congeries of actors that attempt to regulate and change the schools from without: the new breed of reformers, says Diane Ravitch, "consists mainly of Wall Street hedge fund managers, foundation officials, corporate executives, entrepreneurs, and policymakers but few experienced educators" (Ravitch, 2012). As education blogger Valerie Strauss comments, "public schools have long been blamed when something happens to challenge the country's standing in the world. It happened when the Soviet Union launched the first space satellite, Sputnik, in 1957, and in 1983 when the Japanese automobile industry was booming and America's wasn't. Of course when the U.S. economy was roaring in the 1990s, you never heard anybody thank the public schools, but never mind" (Strauss, 2013).

The new breed of reformers does not seem wary of the huge business interests vested in testing, tutoring, and charter schools (Ravitch, 2011, footnote 8, 301-302); yet these interests place an unusual burden on U.S. teachers and schools, beginning with ubiquitous tests with ominous consequences. Finally, only the United States seems capable of greeting as saviors an influx of smart but untrained young graduates from the best colleges. In all the battles over policies, strategies, and, most importantly, budgets, what we could call the "nation-building" function of schools and teachers is forgotten: schools are agents of socialization that go beyond the labor market and often the only place where our most disadvantaged children find nurture.

The crux of much-admired school systems in the world is not high performance on standardized tests, but respect for teaching and learning, for professionals, for children, for ideals of equality, and also, sometimes, for ideals of democratic governance within the schools.

We have, in sum, a largely female occupation that its members choose because of their strong service ideal; an occupation from which the impossible is expected, while it is underpaid and without power; a profession which the largest majorities of teachers want to improve by gaining greater participation in decision-making at district and school levels (97% and 98%), removing incompetent teachers regardless of seniority (89%), basing salaries on education attained (81%), getting more autonomy in determining what and how they teach (78%), and having career ladders within the ranks of teaching (77%). They do not want to get rid of tenure or of teacher unions (Feistritzer, 2011, 42-45).

The future of teachers' professionalism cannot *only* lie in demonstrating technical competence, or in recruiting top students to the ranks. Teaching is a contested reality, which means that even respect for proven competence must be conquered. As they have done most recently in Chicago and Philadelphia, teachers enter the fray to defend

both their jobs and the essential public service they provide. Getting rid of bureaucratic rules and regulations is the wrong move: they defend teachers against the arbitrary power of decision-makers and should not be misunderstood for what is oppressive in command hierarchies. Getting rid of unions is what powerful reform coalitions have been after for a long time, and it is also the wrong path.

The unions that exist today organized on an industrial model in the 1960s once the legal barriers to unionization were lifted. Their response to the disempowerment of teachers came after the McCarthyite witch hunts and purges of the 1950s had driven the last nail in the coffin of the more leftist Teachers Union. The latter had had long fought for a meaningful role in defining the work of teaching, the quality of public schools, and the citizenship of professional workers in their place of work; later, protecting members against very real attacks seemed to preclude a continuation of the former mission.

I believe that teachers have too little power without their unions, and little hope of improving their professional status without them. But the struggle for respect and voice must also be waged within teacher unions. As Albert Shanker argued, teachers must "Reform or be reformed" (in Mehta, 2013, 473).

Teachers can count on the already present public support and on their own service ethic to fight in defense of public schools, together with their constituent communities and with their unions. The combat is imposed, but it can embrace the reforms that teachers believe will improve their profession: participation in governance, autonomy, recognition of proven competence, space for real development and collaboration, and the responsibility to follow their students according to their own professional judgment.

The crux of much-admired school systems in the world is not high performance on standardized tests, but respect for teaching and learning, for professionals, for children, for ideals of equality, and also, sometimes, for ideals of democratic governance within the schools. This is not the place to go look for illustrations from Finland, Canada, South Korea, or Shanghai. We too have ideological resources with which to rekindle the "noble profession" of school teaching and the noble story of public schools. I would like to let Jefferson conclude with his words to William Jarvis in 1820: "I know no safe depository of the ultimate powers of the society, but the people themselves: and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is, not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power."

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RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

Turning Doctors Into Employees

By Matthew Anderson

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"No," said the priest, "it is not necessary to accept everything as true, one must only accept it as necessary. A melancholy conclusion," said K. "It turns lying into a universal principle."

--Franz Kafka, *The Trial*[1]

M uch of the contentious debate surrounding the Patient Protection and Affordable Care Act ("Obamacare") concerned its financing and its attempt to guarantee (near) universal access to healthcare through the private insurance market. Aside from sensationalist stories of "death panels," much less attention went to implications of the bill for the actual provision of healthcare.

Few noted that the Affordable Care Act (ACA) – attacked from the right, favored by Democrats – continues historical trends towards consolidation of a medical-industrial complex (MIC),[2] which now controls nearly 18% of the Gross Domestic Product (GDP) and is hungry for more.[3] Key to its project is control over the daily activities of the physicians and other licensed healthcare professionals who are legally sanctioned to make decisions concerning and administer various interventions. This control is usually framed as an effort to produce greater value (to improve both efficiency and quality of care), as part of an effort to bring "market discipline" to an overly-expensive, irrational, and inefficient system.

I propose that such concepts—value, efficiency, quality, and market-discipline—are part of an ideology designed to justify corporate control over the work of physicians. In describing the "deprofessionalization" of healthcare workers, it may be helpful to keep in mind Marx's concept of alienation – the separation of the worker from the control and the product of his or her labor – as a useful way of thinking about the clinician of the future, who must learn what it means to become an employee.

The Medical-Industrial Complex

The concept of the medical-industrial complex has a long history in struggles over healthcare. It emerged in the 1970s from the Health Policy Advisory Center (Health/PAC), a group of New York City activists.[4] Then, as now, healthcare in the United States was perceived to be in a crisis; then, as now, that crisis was framed primarily in terms of costs. And with good reason. In 2012 the United States spent $8648 per capita on healthcare, representing 17.9% of the GDP.[5] The Organisation for Economic Co-operation and Development (OECD) estimates from 2009 show that the United States spent far more per capita ($7960) on healthcare than country #2 (Norway at $5352) and more than double the OECD average ($3233).[6] Despite this enormous investment in healthcare, U. S. health indicators are not particularly good; the United States ranks 33rd in terms of life expectancy.[7]

The trouble with this critique of U. S. healthcare is the assumption that its deficiencies stem from its being a "non-system." Health/PAC considered this a false assumption since it was based on the idea that "the function of the American health industry is to provide adequate healthcare to the American people." However, "[w]hen it comes to making money, the health industry is an extraordinarily well-organized and efficient machine."[8] Rather than patient care, Health/PAC saw the main functions of the medical system as being profits, research, and teaching; social control is also mentioned. The deficiencies of our healthcare system – and they are numerous – should be understood as an inevitable by-product of emphasizing the pursuit of profit.

The MIC has only grown since the 1970s and its functions are carried out by large and politically powerful business sectors: the pharmaceutical industry, the health insurance industry, healthcare delivery systems (typically built around hospitals), specialized clinics (e.g., dialysis centers), equipment and supplies, healthcare worker salaries, pharmacy benefits managers, nursing homes, health information, home health agencies, research and biotech firms, medical informatics, medical schools, etc. It is no coincidence that in 2013 the healthcare sector was the top spender on political lobbying (nearly $360 million).[9]

In the remainder of this essay I will explore just how the corporate model is degrading the culture of clinical care and the work of clinicians. We will see what happens when the business model of medicine enshrines the centrality of health as a commodity and self-interest as a motivator: the mission of the margin overtakes the mission of healing.

The Sorry State of U. S. Primary Care

There is strong evidence to suggest that primary care improves the health of populations and that, unlike specialty care, it helps reduce health disparities. Primary care is also cheaper than specialist care.[10] There is even some U. S. evidence suggesting that an overabundance of specialists can be bad for community health.[11] Yet, despite the demonstrated benefits of primary care, only 35% of U. S. doctors work in it. The majority of our doctors are specialists.[12] In Europe, by contrast, primary care doctors more typically make up 70% of the physician workforce.

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The reasons for the specialist-heavy U.S. system are complex but they bring us back to the technology and profit-driven character of the U. S. healthcare system. It rewards new physicians for choosing high-tech, expensive procedural-based specialties (such as orthopedics and cardiology) rather than the more cognitive and relationship-based specialties of internal medicine, family medicine, and pediatrics. Medical students quickly learn to

see primary care as bringing low prestige and low pay.[11] There is no particularly good reason why primary care work should be undervalued. The essence of this problem is a political one: specialists run our academic medical centers, have close financial ties to industry, and have been able to define medicine and healing as the use of expensive wonder drugs and high technology.

The Patient-Centered Medical Home: Neither Patient-Centered nor a Home

In the past decade a new model of primary care, the Patient-Centered Medical Home (PCMH), has been promoted to solve the problems of primary care. The term "medical home" appeared initially in 1967 in the pediatric literature. It was designed to describe a place (a "single source") where a child's medical records would be kept.[12] In the 1990s the idea of the medical home was elaborated within the primary care community; e.g., by the American Academy of Pediatrics in 1992 and 2004, the American Academy of Family Medicine in 2004, and the American College of Physicians (internists) in 2006. This culminated in a joint statement issued by five primary care organizations in 2007. By 2008 a National Committee for Quality Assurance had promulgated standards for a PCMH, adherence to which guaranteed extra reimbursement for providers.

AN ACTIVIST WITH PHYSICIANS FOR A NATIONAL HEALTH PROGRAM AND A RESIDENT IN A SOCIAL MEDICINE PROGRAM BEING HANDCUFFED DURING OCCUPY'S FIRST ANNIVERSARY. PHOTO COURTESY OF MATT ANDERSON

It is difficult to define exactly what a PCMH is because various organizations have promoted different conceptualizations.[13] But some of the components include better integration of healthcare, usually accomplished through electronic medical records (EMRs); the creation of health teams, as opposed to solo practices; improved patient access to care; a personal physician for each patient; and efforts to improve the quality of care as measured by standardized targets. To address pay disparities, primary care physicians are promised increased income when they meet certain standards of quality; this is known as "Pay-for-Performance" (P4P).

While none of these initiatives are necessarily bad, they address symptoms of the problem, not the problem itself. The flow of resources into (expensive) specialist care continues, as does the underfunding of primary care. If population health is the goal of the system, this makes little sense. However, if we understand the imperatives of profit, it is both logical and inevitable.

The PCMH is a vehicle for the delivery of health services organized through a competitive, private insurance market; this is the heart of "Obamacare." Purchasers of health insurance – individuals or organizations – are expected to make a yearly decision regarding which plan is most advantageous in terms of price and benefits. Adopting the "home" metaphor, it is a bit like getting the opportunity to move once a year and find new family members. Even if patients want to stay "home" with their current doctor, there is no guarantee that their doctor will be on the company-offered plan next year. Let us be clear: this is a business model, not a home. For that matter, the development of the PCMH was not really "patient-centered." Professional societies and large corporations developed and promoted the model. Patients have not been centrally involved in its conceptualization or in its elaboration. The PCMH is "patient-centered" only in the sense that McDonald's is "customer-centered."

Ironically, the hype and fanfare surrounding the development of the PCMH model seem to arise from the demise of personalized healthcare rather than the dawn of a new era in primary care.

Pay-for-Performance (P4P)

One pillar of the PCMH is the P4P program, in which doctors receive monetary rewards for hitting specific, quantitative, clinical goals: e.g., percentage of patients with flu shots. Studies of P4P have shown widely differing effects of individual P4P programs on quality measurements.[14] In other words, we do not really know if it works. If P4P were a pill, this lack of evidence would have prevented its approval or use. But the business world is different. Its ideological imperative to turn healthcare workers into employees is powerful.

P4P's lack of success may result from the direct undermining of what has always been conceptualized as the central concern of the physician: the welfare of his or her patient. When patients ask me whether or not they should have a flu shot, they are asking me for a disinterested answer based on my professional opinion and my knowledge of them. How would they feel if, as honesty demands, I told them I was getting some amount of money (no matter how small) every time they got a flu shot? It would destroy the very trust that should be the foundation of our relationship.

Such measurement programs can also be faulted on more practical grounds. Usually they rely on easily measured goals: number of shots given, blood pressures, cholesterol measurements, patient-satisfaction surveys, and so on. But many of us feel that the heart of primary care involves relationships that are created over time with families, a factor that cannot be reduced to a number on a scale. When I visit my patients in the hospital – a familiar face in a frightening and strange environment – I provide a type of caring that is central to the role of a healer but is invisible to the highly technical world of "hard" targets.

Patients remember these visits and thank me for them years later, when I perhaps have forgotten them.

In addition, clinical targets are notoriously fickle. Clinical medicine evolves rapidly and what is good today will be seen as substandard in a few years. Goals for blood pressure, cholesterol, and diabetic control have undergone major revision in the past several years in ways that P4P programs either cannot or do not capture. And as more and more clinicians work in larger institutions, the attribution of clinical outcomes to any individual clinician becomes increasingly problematic.

Truly "patient-centered" medical care would require great flexibility in terms of clinical outcomes. Not all patients want all treatments. The externally generated quality targets may not reflect the real problems facing the patient, the clinic, or the community.

Enter the Electronic Medical Record (EMR)

The Bush Administration initiated a large federal initiative to promote the use of health technology and, specifically, electronic medical records. This initiative received further impetus during the first year of the Obama administration, when medical practices were given incentives to purchase EMRs under the American Recovery and Reinvestment Act, the 2009 stimulus package.[15] Again, EMRs were an interesting idea without much evidence of either harm or benefit. They were also an interesting new, federally subsidized profit center and dozens of vendors came forth to sell their EMRs to clinicians.

The result, ironically, may be that health information has become more fragmented. Four years later we have a bewildering variety of EMRs, none of which talk to each other; within individual institutions there are often several different EMRs. Sorting out this chaos – created in the logic of a market place – may take decades. Who knows how many people will need to get extra vaccines or extra tests because their records are lost in some now-obsolete and inaccessible software? The "medical home" seems to have been colonized by various unruly families none of whom speak the same language.

There are other troubling features of EMRs.[16] Most were designed to capture billing and quality information, not to facilitate clinical care. As a result, clinicians, rather than looking at their patients, sit hunched over their computers clicking little boxes indicating they have advised their patients not to smoke or that they need a colonoscopy – a clear example of alienation. As one frustrated patient told me: "I used to talk to my doctor; now I just see the back of his head." There is no particular rhyme or reason behind the flow of a clinical interview,

PATENT MEDICINE LABELS. LIBRARY OF CONGRESS

since it now follows computer generated prompts. As one works one's way through the required screens with the required answers, one might as well be standing behind a Burger King counter and noting if the customer wants fries or onion rings.

Not only is the voice of the doctor gone in many EMRs, more crucially, so is the voice of the patient. In a menu-driven EMR, clinical histories are reduced to a random collection of facts taken out of context: *left abdominal pain / quality: crampy / duration: 2-4 days/ relieved by: defecation*. This is almost anti-medicine, i.e., a deliberate perversion of the essential task of creating a meaningful understanding of the patient's experience of illness as both a diagnostic and therapeutic tool.

"We Strive for Five": Manufactured Satisfaction

One of the most pernicious aspects of the PCMH is the focus on massaging data to meet targets, a corruption of the very knowledge that should be the lifeblood of improvement. This is seen in the approach to satisfaction surveys, such as the Press Ganey *Improving Healthcare* "product."[17] Press Ganey sends surveys on quality of care to a sample of patients after visits. Mid-level managers are put under intense pressure to get and maintain good survey scores. In order to boost scores, a message that "We Strive for Five" (fives are the highest) is often presented to patients either on posters, on appointment cards, or verbally by staff. If this does not work, Press Ganey can be contracted to advise the institution on how to improve scores, an interesting side-business for an agency that is supposed to provide impartial ratings.

Letting patients know that their doctor or clinic wants a "five" rating introduces a not-so-subtle bias into their answers. It is exactly the kind of thing we would scrupulously avoid in clinical research. A principal investigator who chewed out his or her research nurse because the blood pressure results were not as expected would be fired. A mid-level manager who does the same is rewarded.

This is a perfect illustration of a dictum coined by American sociologist Donald T. Campbell which has come to be known as Campbell's Law: "The more any quantitative social indicator (sometimes even a qualitative indicator) is used for social decision-making, the more subject it will be to corruption pressures and the more apt it will be to distort and corrupt the social processes it is intended to monitor."[18] The massaged results of the satisfaction survey impede real attempts to improve systems. Of course, system improvement may be irrelevant, as long as money is being made.

Sleeping with the Enemy: Professional Associations

The conquest of primary care by the medical-industrial complex and its PCMH model has occurred with the complicity of physicians who head the professional organizations of primary care, and whose leadership is compromised by commercial interests. Two examples: first, the American Academy of Family Physicians has chosen Coca-Cola to be a corporate partner; visitors to FamilyDoctor.org will see an ad for Coca-Cola at the very top of the website. Second, the American Academy of Pediatrics (AAP) endorses breast-feeding as the optimal form of infant nutrition, but nonetheless allows the makers of Enfamil (a breast milk substitute) to sponsor its continuing medical education activities; and the AAP logo is prominently displayed in periodicals advertising baby formula. Advertising of breast milk substitutes is illegal in most countries. Even the National Institutes of Health has corporate partners, which have included both Pepsi and Coca-Cola. One pities the poor patient who must make sense of the fact that her doctor and her government, both charged with protecting health, are proud partners of Coca-Cola.[19] Coke can't be all that bad, can it?

The Central Role Played by Medical Schools

As noted by Health/PAC in the 1970s, academic medical centers play a central role within the medical-industrial complex. They train the physician work force and mold its professional values. They conduct much of the research that fuels technical advances in medicine. And they promote specific social constructs (such as a genetic or racial basis for disease and social problems) that create social consensus. The academics who run this system are highly rewarded. In many large universities, the highest paid officials are the basketball coaches and the head of the teaching hospital.

> *Medical students have often been important activists in promoting change. Harvard Medical School itself is an interesting case in point. In 2008 a variety of high-profile conflict-of-interest cases came to light at Harvard. Medical school students themselves formed a group to protest the fact that so many of their professors had undisclosed industry ties.*

This problem is typically conceptualized in terms of "conflicts of interest" which need to be disclosed and regulated. But industry is so interpenetrated with academia that their relationship is best described as symbiotic. For example, in 2007 Eric Campbell and his colleagues at Harvard Medical School published a survey of department chairs at U.S. medical schools. Of the 688 chairs surveyed, they received a response from 459 (67%). They found that two-thirds of the department chairs had a direct personal tie to industry. These ties came in a variety of forms, with the most common being consultancy (27%)

but extending to direct roles in the corporation either as officer (7%), founder (9%), or director (11%).[20] Over two-thirds reported that these relationships had "no effect on their professional activities." This is a fascinating finding. What types of "non-professional" activities do department chairs do with corporations?

On the other hand, medical students have often been important activists in promoting change. Harvard Medical School itself is an interesting case in point. In 2008 a variety of high-profile conflict-of-interest cases came to light at Harvard. Medical school students themselves formed a group to protest the fact that so many of their professors had undisclosed industry ties.[21] On a more national scale, the American Medical Students Association (AMSA) has played an important role as an advocate for change. AMSA was created by medical students in 1950 as a progressive alternative to the AMA-sponsored medical student organization. In fact, former AMSA members were central to the creation in 2005 of the National Physicians Alliance, which was conceived as a progressive alternative to the AMA. AMSA regularly surveys medical schools regarding their involvement with the pharmaceutical corporations and hands out grades ranging from As (25% of schools in 2013) to Fs (8% of schools).[22]

But can relationships with industry really be "managed" in any meaningful sense of the word? When in 2011, Dr. Laurie H. Gimcher, a Harvard University immunologist, was made Dean of the Weill Cornell Medical School (WCMS), it was revealed that she had ties to two of the world's largest pharmaceutical companies: Merck and Bristol-Myers. She was on the Board of Bristol-Myers, a position that paid her $244,500 in 2010 and some $1.4 million in deferred stock options.[23] Rather than seeing these ties as a problem, the university took the exact opposite view and argued that: "these outside jobs are crucial to advancing one of its long-term goals for WCMS: dramatically expanding its partnerships with industry."[24] This argument clearly expresses the ideals of the MIC where there is a seamless union between academia and business.

The Importance of What Is Not Mentioned

The PCMH was designed to address serious problems in U. S. healthcare: lack of integration, rising costs, problems with access and quality. While I have noted some of its shortcomings, it is also important to remember what the PCMH cannot address and what options it does not explore. There will continue to be tremendous class and racial biases in the system; these impact quality and access to care as well as access to careers in medicine. Such omissions follow from the premises of the MIC. In addition, a system that is highly incentivized to hit quality targets may want to avoid poorer (or sicker) patients whose outcomes are not so likely to be good.

Many models of clinical care have sought to make the health center an integral part of the local community, leveraging the ability of the clinic to participate in community development as well as the clinical benefits gained by understanding local context. This is the basis for the very successful community health center program

started by Dr. Jack Geiger in the 1960s.[25] But there is no room in the PCMH for the local community voice; in fact, the PCMH retains the paternalistic ethos of medicine, although now the "father" of the medical home is the corporate bureaucracy. And how could the involvement of a clinic in health problems of the local community be incentivized, within a system of private insurance?

Is the Truth Irrelevant?

Medicine has struggled over the past several decades to move away from care based on expert opinion towards "evidence-based" practice. This is a project that faces multiple barriers and the transformation will probably last decades. Nonetheless, evidence-based medicine represents a laudable attempt to make our practice rational and beneficent. But the business school model's practices are not research-based. PCMH, P4P, and other interesting ideas have been introduced and implemented without thorough testing, just because to some people with power or influence they seemed like good ideas. We are (one hopes) smarter than that, in medicine; we want the proof of the smart idea first. It is striking that the business school (whose scientific basis has been severely questioned[26]) is now running the show.

> *On the labor front: as doctors become employees, they may well turn to unionization. Currently, only a small portion of doctors are unionized, but the call for a single national system has wide appeal for the union movement in the United States, and physicians may come to feel a common interest with unionized workers in other sectors.*

When individual clinicians object that they are being forced to do things that make no clinical sense or are even bad for patients, they are told that these things are necessary for the purposes of the PCMH. When family doctors protested to the Academy about its partnership with Coca-Cola, we were told that this too was necessary. In short, we have arrived at the land described by Kafka, where lying has become a universal principle.

Alternatives to the Present System

The problems just listed, and others, have evoked widespread dissatisfaction and disillusionment among primary care providers. Some have responded by dropping out and creating models of care partially outside the system. Free clinics are estimated to host some 4 million visits yearly.[27] Other models are built around capitated payment systems: the purchaser –an individual, a union, an institution – pays a fixed amount to a clinic (or an individual doctor) to provide healthcare. Such models are not designed just to improve billing, but, in theory, to keep their patients healthy. Yet even at best, they do not point to an alternate system of healthcare.

Health Activism in the Era of the Affordable Care Act

The healthcare debate in 2009 provoked a broad movement against the corporate-friendly ACA; this movement supported a "Single Payer" plan" also known as "Medicare for All." It united groups of doctors (such as Physicians for a National Health Program or the National Physicians Alliance) with progressive nursing unions (National Nurses United, California) and community activists. After the bruising defeat of most progressive ideas in the final version of the ACA, this movement took on new life with the Occupy movement in groups like "Healthcare for the 99%" or "Doctors for the 99%." Around the country, healthcare workers participated in the protests both as citizens and as providers of medical care. In New York, doctors and nurses worked alongside street medics at the Zuccotti Park medical tent and protests were regularly staffed by street medics, some of whom suffered violence at the hands of the New York Police Department.

The focus of health activism has now moved from the national to the state level. Vermont has already passed a single-payer bill, to be implemented in 2017. A number of state legislatures are considering similar bills.

On the labor front: as doctors become employees, they may well turn to unionization. Currently, only a small portion of doctors are unionized, but the call for a single national system has wide appeal for the union movement in the United States, and physicians may come to feel a common interest with unionized workers in other sectors.

These are promising movements and offer some potential for change, but within the larger constellation of political forces they are minor. Healthcare workers will need to be part of broader alliances. For instance, physicians and teachers are subject to the same market-driven forces of deprofessionalization and control. Both are in a position to understand how the degradation of education erodes the health of children, and how lack of health (e.g., poor quality school food) creates educational problems. Yet there do not appear to be many natural venues for cross-profession collaboration. A true Left party would be the best vehicle for making real change, but that seems a far off dream. Right now local work seems a more promising avenue. Can we find a place to meet and create progressive change?

Conclusion

Although the ACA has certain positive features, it leaves us with a very broken system that has now been formally handed over to the very medical industrial complex that created the problems in the first place. It is doubtful that making profit the heart of the system will either improve health or reduce costs; it is likely to make some people very rich.

The primary care infrastructure – which everyone agrees should be the foundation of a strong healthcare system – is in crisis. The MIC's proposed solution, the PCMH, shows little ability to resolve this crisis, even as it poses a fundamental challenge to the autonomy of physicians' work. Are we employees responding to the demands of our employers, or professionals whose call is to care for individuals? It is possible to be both

professionals and employees, but not without a continuing struggle for alignment of the missions that accompany the two roles – as teachers well know. In a healthcare system whose heart is profit, such an alignment seems unlikely in any near future.

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RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

Candor and the Politics of Law Teaching

By Paul Campos
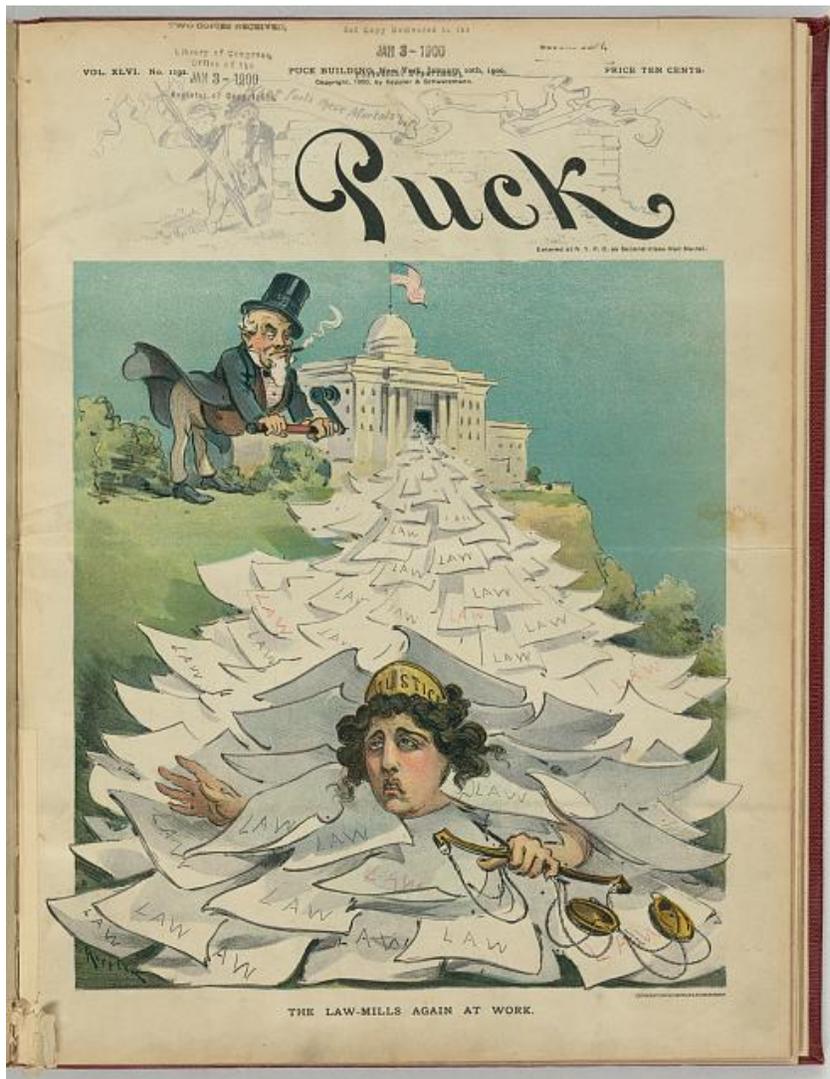
THE LAW-MILLS AGAIN AT WORK. ILLUSTRATION SHOWS "JUSTICE" HOLDING HER SCALES, BEING BURIED UNDER AN AVALANCHE OF PAPER LABELED "LAW" AS A "LEGISLATOR' AT THE TOP TURNS THE CRANK SPEWING LEGISLATION FROM THE U.S. CAPITOL. JAN. 10, 1900. ILLUS. UDO KEPPLER. COURTESY OF LIBRARY OF CONGRESS

This essay is about a particular type of candor that teachers owe their students, in one sector of what has become the business of contemporary American education. It is by necessity something of a personal statement, which flows out of the special circumstances facing teachers in the world of the American law school. Nevertheless, I hope something of what follows resonates with readers beyond that world.

I have taught at the University of Colorado's law school since 1990. A few years ago, I began to become concerned about what was – or more precisely, what was not – happening to many of our graduates. What was not happening was post-graduate employment in the legal profession. After hearing numerous anecdotes from former students about how bad the market had become for aspiring lawyers, I looked at statistics compiled by my school – statistics which at that time the school did not make available to the public – and was shocked by what they revealed.

Nine months after graduation, less than three of every five graduates in the classes of 2009 and 2010 were working as lawyers. One in every six graduates was completely unemployed. Nearly half of the 2010 class had educational debt from law school alone of more than $100,000 (the graduates' other educational debt was unknown). The median salary of those graduates who had full-time jobs as lawyers and reported a salary– a group representing about one third of graduates – was $51,000. Given their 16.5% unemployment rate, the real median salary for these graduating classes was no doubt far lower.

> **Nine months after graduation, less than three of every five graduates in the classes of 2009 and 2010 were working as lawyers. One in every six graduates was completely unemployed.**

These discoveries inspired me to begin researching what I came to understand as the crisis of the American law school. Over the past three years I have written extensively about this crisis in both the academic and popular press. I have argued that a combination of the skyrocketing price of attendance and increasingly bleak employment prospects for law graduates has made law school a bad investment for a large percentage of recent graduates, and that law schools should cut both tuition and enrollments drastically in response to this situation.[1]

I have also argued that the long-standing practice of hiding or misrepresenting employment data, while at the same time radically raising tuition, has caused the contemporary law school world to take on some of the characteristics of a confidence game. In doing so I have sided self-consciously with the so- called "scam blog" movement: a loose collection of lawyers and other law school graduates who for the past several years have been publicizing the plight of the enormous number of recent graduates for whom the decision to attend law school has

turned out to be something between a serious mistake and a personal catastrophe.[2]

I have not been alone in this venture: in 2012, Brian Tamanaha published *Failing Law Schools*, which gave historical context to the argument that contemporary American law schools were now often in an exploitative relationship with their students.[3] Other critics from inside the legal academy have also come forward, and, with the help of Law School Transparency – an organization founded by law students, which has successfully pressured the American Bar Association to force law schools to publish far more revealing employment information – the law school reform movement is changing the cultural conversation regarding legal education in America.[4]

I mention these details to give context to the peculiar circumstances in which law teachers now find ourselves, both within law school classrooms, and when dealing with law students and prospective law students in other venues. Those circumstances are a product of, above all, the commodification of American education in general, and of legal education in particular.

Specifically, I am using the word "crisis" to signal what in my view has become a qualitative shift in the struggles new law graduates now face. A generation ago, the cost of law school for most students was largely the opportunity cost of removing oneself from the labor market for three years. Average annual resident tuition at public law schools was less than three thousand dollars per year *in 2013 dollars,* while even the most expensive private law schools cost a quarter of what they do today, in current, inflation-adjusted dollars.

Meanwhile, jobs for attorneys were, relatively speaking, plentiful: ABA law schools awarded 17,000 law degrees in 1972, compared to 46,500 in 2013. While the cultural cliché that law school is a safe route to achieving or at least maintaining upper middle class status has always been somewhat exaggerated, I am calling the present situation a crisis to indicate that what once was an exaggeration has now become a dangerous myth.

> **I have also argued that the long-standing practice of hiding or misrepresenting employment data, while at the same time radically raising tuition, has caused the contemporary law school world to take on some of the characteristics of a confidence game.**

The price of law school has risen to levels that would have seemed inconceivable a generation ago – the three-year cost of attendance at some schools is now more than a quarter of a million dollars – while the law school transparency movement has revealed that nearly half of all current law graduates are failing to secure legal employment. And most entry-level lawyer jobs feature salaries and long-term prospects that make the average

cost of attendance seem like an extremely risky if not altogether dubious investment.[5]

Given these grim facts, law teachers now face a difficult conundrum. In a world in which university administrators increasingly speak in a manner that is hard to distinguish from the professional patois of business consultants – in which educational institutions are treated as "brands" to be "synergized" in the appropriate "target markets" and so forth – prudent law faculty will be tempted to suppress any impulse to engage in critical pedagogy regarding the nascent professional and personal crisis faced by so many of their students. They will instead keep, as it were, pushing the product.

Yet such prudence, while no doubt conducive to both professional advancement and personal happiness, requires a certain mortification of both the intellect and the capacity for moral action (Here we can recall Flaubert's dictum that "to be stupid, selfish, and have good health are three requirements for happiness, though if stupidity is lacking, all is lost.").[6]

In any case, the law school reform movement has acquired sufficient notoriety that it is becoming increasingly difficult for individual law teachers and law schools as institutions to employ silence and denial as either an unconscious psychological defense mechanism or a conscious business strategy. Indeed, in the contemporary American law school, the employment and debt crisis faced by our students is always present in every encounter with them, if only implicitly, and it is now an abrogation of professional responsibility not to address it at appropriate times.

What are such times? The most obvious answer is when law students ask law teachers direct questions regarding the subject. In my experience, this is more likely to take place during office hours or by email than in class itself; nevertheless, on some occasions over the past few years I have found questions about the crisis arising organically, as it were, during class discussion. (For example, in one class a discussion regarding how child support is a rare exception to the rule that debts can be discharged in bankruptcy led to questions as to why student loans constitute another such exception, which in turn sparked a broader discussion regarding the law school crisis as a whole).

Law teachers need to make clear that they are open to such discussions with students, whether in class or outside it. Failure to do so is likely to lead to undesirable forms of self-censorship on the part of students. For instance,

students who are considering dropping out of law school are likely to hesitate to raise this option with teachers who they believe will look down on them for even considering such a choice, even though in many cases dropping out is clearly the best decision for a particular student. (In the past two years several students, both at my law school and at others, have sought my opinion regarding this question, and in a couple of cases I told students quite bluntly that they should quit).

Of course to respond usefully to student concerns regarding the legal employment and educational debt crisis, law teachers must become knowledgeable about the dimensions of that crisis in the particular context of the institutions in which they teach. Indeed, when I began to investigate this subject three years ago, I was embarrassed to discover how little I knew about what was happening to our students after they graduated, and how much debt they were incurring to acquire their degrees.

And I was hardly alone in this regard: I soon discovered that many of my colleagues had no idea what tuition the law school was charging, and were genuinely shocked when they were told. (Their shock is partially explicable by the fact that, between 2001 and 2011, resident tuition at the law school rose from $5,917 to $31,114 per year, and that the faculty had essentially no role in the administrative processes which produced these increases).

Nor did the faculty have any real information regarding employment outcomes for our graduates, as the school's administration saw to it that only fragmentary and misleading versions of the collected data were made available to teachers, students, and prospective students.

Thus the first step law teachers need to take if they wish to give useful guidance to their students is to understand the employment options actually available to graduates of their schools, and the costs law students are incurring to acquire their degrees. The law school reform movement has made it easier for law teachers to get this information, but acquiring it still requires an effort. It comes as no surprise that, in the increasingly commodified world of higher education, administrators are prone to be less than candid about such matters, as candor in this context is clearly bad for business. (Since 2010, applications to law school have declined from 88,000 to 59,500 per year, in no small part because of the efforts of the reform movement to increase transparency).[7]

Becoming familiar with the employment and debt crisis as it manifests itself among the graduates of one's school
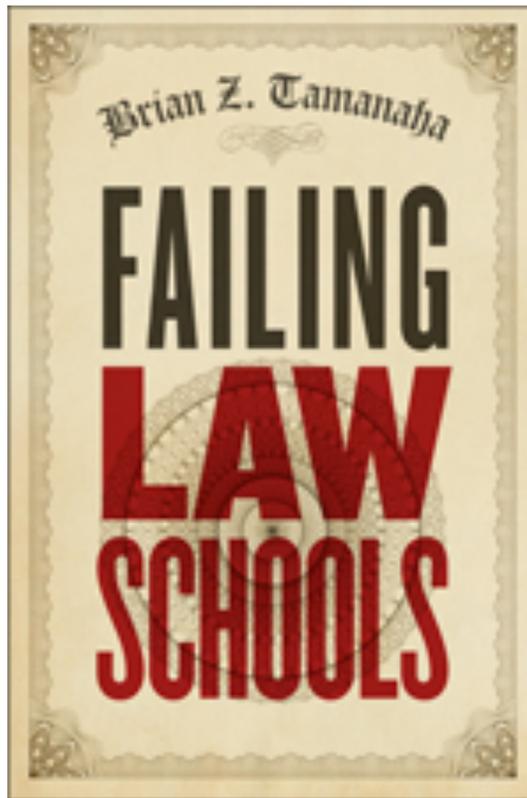
is not only a matter of studying various economic statistics, important as it is to do so. We also owe it to our students to engage in the sort of qualitative inquiry that will give us some hint of the emotional and psychological struggles of many of our graduates. (Below I will suggest some ways that law teachers can enrich quantitative knowledge with glimpses into the qualitative dimensions of the crisis).

Law teachers who make the necessary effort are likely to discover that they will then be in a position to give answers to inquisitive students about what is happening to their school's graduates that are often deeply troubling. Here I will focus on two aspects of the post-graduate landscape about which we should be especially candid with our students: the ongoing creation of a legal precariat, and the related issue of spoiled legal identity.

By the legal precariat, I mean that percentage of our graduates – at many law schools, an actual majority – who are unable to find real legal jobs. For these purposes, a real legal job can be defined as full-time, long-term employment requiring a law degree. In recent years, only about 25,000 of the 45,000 annual graduates of ABA-accredited law schools have found such jobs within nine months of graduation.[8] What happens to the rest – both in the short and the longer term?

> *The contemporary employment market for new law graduates has taken on a distinctly neo-feudal flavor, in which a willingness to enter into one or more unpaid apprenticeships is becoming a pre-condition for obtaining a paying job. (On the other hand, medieval guilds generally required masters to house and feed their apprentices; new law graduates are not so lucky).*

The answer to this crucial question, we should admit candidly, is that, in regard to longer-term outcomes, we know very little. What we do know is that, nine months after graduation, the 20,000 annual new members of the legal precariat include more than 5,000 completely unemployed law graduates, along with around 3,500 graduates in part-time jobs, 4,000 in temporary jobs, and more than 1,000 in jobs that were both part-time and temporary. More than 3,000 were in jobs that had nothing at all to do with a legal education.[9] (My research into the kinds of jobs graduates who are listed by their alma maters as being in "business and industry" hold suggests that a shockingly large percentage of such jobs include things such as being a retail salesperson or a barista.).

We are also coming to realize that, for large numbers of our graduates, any chance of having a legal career turns on having both the willingness and the ability to work literally for free, for months and even years after graduation. The massive oversupply of law graduates relative to available legal jobs has produced a situation in which many government and even some private employers are hiring new graduates into "jobs" that have a salary of zero. (For private employers, the legality of such arrangements is extremely questionable; otherwise they would be even more common). For example, United States Attorney offices across the country have for two years now been advertising "Special Assistant United States Attorney" positions. These jobs last one year, and generally include a requirement that the employee sign a contract acknowledging that he or she will not be eligible for a permanent position with the office for at least two years afterwards. The contract also makes clear that that the job is a "gratuitous service appointment" (this is legalese for "you will not be paid any salary").[10]

Similarly, in the fall of 2012 a Denver federal judge solicited applicants for a year-long clerkship in his chambers via a job notice which, in addition to stipulating that the clerk would be paid nothing, and could be fired at any time for any reason, asked that applicants "morally commit to the position for one year."[11]

These are examples of how the contemporary employment market for new law graduates has taken on a distinctly neo-feudal flavor, in which a willingness to enter into one or more unpaid apprenticeships is becoming a pre-condition for obtaining a paying job. (On the other hand, medieval guilds generally required masters to house and feed their apprentices; new law graduates are not so lucky).

Other members of the legal precariat work for pay, but under conditions of employment typical of those endured by casual labor, even when that labor wears a white collar. These include wages that are so low relative to working hours that some graduates find themselves making less than the minimum wage (minimum wage restrictions do not apply to salaried members of professions), extreme employment instability, no fringe benefits, and the sense of powerlessness that comes from knowing that one can be replaced at any moment by someone equally qualified to do one's job, and even more desperate to collect its meager compensation.[12]

It should be unnecessary to point out that such a system both reinforces and strengthens class stratification. Children of privilege, who can rely on their families to pay the rent and the grocery bills during an awkward year or two while they work for little or literally no pay, in order to get their feet inside the proverbial doors, will end up in the real jobs that eventually appear behind those doors, while many less privileged graduates will have to abandon their dreams of a legal career altogether.

The enormous and constantly growing ranks of the legal precariat are full of people who must manage spoiled legal identities. In American culture, the virtual social identity of the lawyer is, generally speaking, of a member of a high-status profession, who does intellectually challenging and socially important work for considerable sums of money. Law graduates who find themselves failing to conform to some or all aspects of this identity must deal with the possibility, or the reality, of being stigmatized by

that failure in the eyes of what Erving Goffman calls "normals."[13]

Goffman describes three strategies for dealing with social stigma: passing, covering, and flaunting. Passing consists of successfully hiding the presence of the stigma; covering involves making the stigma less obtrusive, and therefore less disturbing to observers; flaunting is the act of emphasizing the stigmatized attributes in a way that protests and attempts to undermine the meaning observers give to it.

Note that when our graduates pass and cover, it makes it more difficult for law professors, who are in some ways the paradigmatic "normals" in the context of the legal employment and debt crisis (this status is more than a little ironic, given that law professors are rarely practicing lawyers), to appreciate the dimensions of that crisis. That is one reason why it is crucial for law teachers to enrich their statistical understanding of the crisis with qualitative knowledge.

Because our students and graduates who are managing spoiled legal identities are understandably hesitant to expose their stigmatized condition to us, law teachers have an obligation to seek out this sort of knowledge, disturbing as it often is. It would, I believe, be a pedagogically useful experience for law teachers to witness some of the pain and humiliation our students and graduates deal with, even via highly mediated contexts such as internet message boards.

Consider a few comments on a legal message board, following a post entitled "The Vale of Tears," which invites soon-to-graduate law students and recent graduates without legal jobs to share both job search tips and emotional coping strategies. Over the course of less than a year the post has garnered more than 3,000 responses. Note that all the quoted posts are from a single – fairly typical – evening:

My mom said I should just open a firm. The convo went like this: "You should just open your own practice." "And then what?" "Well, then you'll have a job." "Yeah, but how in the world will I get clients or know what I'm doing?" "Well once you open your firm you'll have clients." "How mom? How? Seriously, I can open a firm today. Here, it's open. Now what? No one knows who I am or cares about what I do. Do you want me to just sit by the phone and hope it rings? No one will show up." "Well, you have to get your name out there." "Oh, so you mean network? Yeah, I've heard that one before." "Well Sandy's son decided he is opening up his own firm so if he can do it you should be able to do it. My son is more talented than Jason." Yeah, this is what I deal with during every single phone call.

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How do you guys deal with the shame and guilt? My dad keeps loaning me money, and it feels horrible.

***

I deal with it by being realistic and realizing that there is absolutely nothing more I can do. I sometimes stay up till like 9 pm looking for jobs and have probably sent out over 50 apps for listed positions that I qualify for, but in the end its a numbers game, and 50% of us will NOT find employment. I get really sick of explaining all this to my family though cause unless you're in it you don't understand the magnitude of what "the legal market sucks" means. My parents still always say "If you apply yourself and look hard enough you will land a great job".

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My mom's like this. My dad's a retired commercial pilot, and he saw the job market for pilots implode while the number of student pilots still increased. He at least gets the hiring game, but he thinks that the mythical $10 million judgment will allow me to retire.

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So where do we find jobs then?

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You apply to the posted ones along with the other 500 applicants who apply and hope the boss is having a good day when he looks over your resume. Otherwise, volunteer some places in hopes of making connections, developing skills and potentially getting an offer. If both of those don't work I guess doc review and washing dishes. [14]

Because of my work in this area, I regularly get messages from people struggling with the immense economic and emotional challenges the legal employment and debt crisis creates. Here is an email I received recounting what, in purely statistical terms, counts as a law school success story – a young woman from a modest socio-economic background who went to law school to pursue social justice by helping the poor, and who managed to get a real job as a lawyer doing just that. (Because many law students and graduates remain sincerely devoted to "cause" lawyering, and because such positions are becoming ever-rarer in a society that cares very little about providing access to the legal system for people with no money, acquiring a public interest law job is in many places becoming as or more difficult than getting a high-paying job with a large firm).

I grew up poor, but got good grades, was interested in social policy and figured, after acing the LSAT, that I would go to law school. I never had any experience working with the law, but I figured that you could do anything with a law degree and there would be no shortage of

challenging but rewarding work. I was 22 years old and thought a law degree would be a fine, conservative investment in my future. I felt that if I worked hard and got an education that at least I wouldn't be scraping to make ends meet and living off food stamps & welfare like my parents did. Needless to say, this plan got great applause from all quarters. I graduated from law school in 2005, with about $150,000 of educational debt– half private debt, half federal debt & 5k of undergraduate debt. I was one of the "lucky" ones–I was only unemployed for about a year before finding a position with Legal Aid. I cannot afford to make my student loan payments and live. Moreover, my loans keep getting shuffled around to loan servicers who continue to raise my monthly payment amount (last month it was an "affordable" $632 per month. Now it is $889 per month because now I have 2 loan servicers, one for my private loans and one for my federal loans. I can't afford an income based repayment plan because such a plan does not take into account the $632 per month payment my private loan holder is demanding and would double the amount I have to pay each month). I take home $2300 in salary and $500 in debt repayment assistance every month. After 6 years of paying on this debt, I have made no dent in the principal. My salary is currently frozen due to funding cutbacks, but even if we were fully funded and I was getting yearly incremental wage increases, there is no hope of making a living wage doing this work with the debt load I have. I have been looking for a better paying job for 3 years now. None exist in this state and I can't afford to relocate and buy a new professional wardrobe and take another bar exam and there aren't any jobs anywhere else anyway. The last several years have destroyed my credit and my home phone rings constantly with debt collection calls and every month I'm further in the red. I suspect that at this rate I will never be able to start a family or have a savings. I also suspect I will never have employment that is fulfilling and enjoyable or at least doesn't make me want to stab myself in the eye. Over the last 6 years, I have discovered that I hate our system of justice, our courts, our law and everyone remotely connected to them. I hate the actual work of being a lawyer and having to deal with other lawyers. Being chained to this computer and phone every day feels like torture. It has affected my physical and mental health negatively. I don't want to talk or interact with people, and the anger and rage I feel every day has swallowed up my sense of humor. It doesn't help that most of my clients are extremely vulnerable, mentally unstable and treated with the utmost contempt by every human being they come in contact with (including other poor people who assume that they are the deserving poor and everyone else is a malingering parasite). Luckily in our small office I can close the door and sob hysterically without anyone much noticing. I feel terrible taking up a scarce job that someone else may be able to love and run with and really work the hell out of, while I hang on and avoid work as much as possible. The people I work for/with are the best people in the world and I feel like I'm taking advantage of them. But I don't feel like I have any choice but to keep going on due to the debt and lack of other employment options, especially options that would pay enough for me to make the debt payments I have to make and still be able to afford to keep a roof over my head. It doesn't help that a lot of my work is counseling clients who are about to become homeless for the first time in their life or are mired in homelessness. Their desperation and anxiety are seeping into me. Bankruptcy offers no hope of being able to start over with a clean slate. If I leave or lose this job, not only do I lose everything I have now (I guess a roof over my head, a vehicle and steady employment), but everything that I could get in the future–any wages will be severely garnished, no credit will ever be extended, no savings can ever be accumulated in a banking institution, tax returns will be intercepted and social security will be garnished. I've had elderly clients whose social security is being garnished for education debt that has increased 500% due to the age of the loan. It isn't pretty. At best I can live underground, off the books, and hope that I die young. If I could return my degree in exchange for having the remaining debt written off, I would do so in a heartbeat. The amount of contempt I feel for myself for getting in this situation is killing me. If I wasn't married to someone who would be destroyed by my death, I would probably commit suicide. I irrevocably screwed up my life at age 22 and I'm looking down a long dark hole that is the rest of my life. And my options keep going around and around in my head and they aren't getting any better. I just don't see any way forward. Is there any hope?

It is a good question. I am not a therapist or a priest; indeed, like most members of law faculties, I am a lawyer in only the most tenuous sense. I am, in other words, in many ways poorly qualified to deal with what many of my students are facing and will face. But that makes it all the more imperative that we law teachers come to know what we can about the legal employment and debt crisis, the growth of the legal precariat, and the social devastation being wrought by a system that ends up stigmatizing so many of the people who trusted us to help them find their way into the legal profession.

I will conclude with a few words for K-12 and college teachers who may be wondering what implications the crisis of the American law school has for any advice they might give their students regarding a career in law, and for law students regarding their role in the politics of this crisis. Teachers should, in my view, try to convey to their students who are interested in careers as lawyers that the field is currently fraught with both narrowly economic and

more broadly personal danger and that, in particular, the glamorous image of the profession propagated by mass media bears increasingly little relation to reality. College teachers ought to, in particular, emphasize the dangers of incurring heavy (and non-dischargeable) educational debts in the pursuit of a degree that qualifies people to join an increasingly saturated profession, and to be wary of optimism bias, confirmation bias, the sunk cost fallacy, and other psychological factors that have led so many recent college graduates to regret the decision to go to law school.

As for current law students, I have over the past couple of years been contacted by students at law schools across the country who want to protest constantly increasing tuition, misleading employment statistics, clueless or indifferent faculty, and other features of the contemporary American law school that threaten the long-term financial and emotional health of the next generation of lawyers and would- be lawyers. I tell these students to work within their schools, and with students at other law schools, toward building a protest movement. Such a movement will put legal academia, and the politicians who provide the no-questions-asked educational loans that fund the self-interested excesses of legal academia, on notice that the law school status quo is unacceptable.

Notes

1 Paul Campos, "The Crisis of the American Law School," *Michigan Journal of Law Reform* (Fall 2012); Paul Campos, "Self Congratulation and Scholarship," UCLA Law Review Discourse (March 2013); Paul Campos, "How Law Schools Completely Misrepresent Their Job Numbers," *The New Republic* (April 25, 2011); Paul Campos, "College Graduates Are in for a Rude Awakening," *Salon* (October 3, 2013).

2 Law School Truth Center, "A Brief History of So-Called Scamblogging: Where We Are and Where It's Going," *Outside the Law School Scam* (May 5, 2013).

3 Brian Tamanaha, *Failing Law Schools* (New York: Oxford University Press, 2012).

4 Law School Transparency maintains a web site that is an invaluable resource for prospective law students regarding the costs of law school and the employment outcomes for graduates of various schools.

5 See Campos, (Fall 2012) cited above.

6 Letter to Madame Louise Colet (August 13, 1846).

7 Ethan Bronner, "Law Schools' Applications Fall as Costs Rise and Jobs are Cut," *New York Times* (January 30, 2013).

8 See the statistics published annually by the National Association for Law Placement on its web site (www.nalp.org).

9 Ibid.

10 Joe Davidson, "Special Assistant U.S. Attorneys Work For Free," *Washington Post* (July 18, (2013).

11 Author, (November 21, 2012).

12 On the concept of a precariat generally, see Guy Standing, *The Precariat: The New Dangerous Class* (London: Bloomsbury Academic, 2011).

13 Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity* (New York: Touchstone, 1986).

14 Top Law Schools. http://www.top_law_schools.com/forums/index.php.

RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

A Personal Reflection on Law Teaching, or How I Became an Establishment Insider on the Outside

By Michael A. Olivas
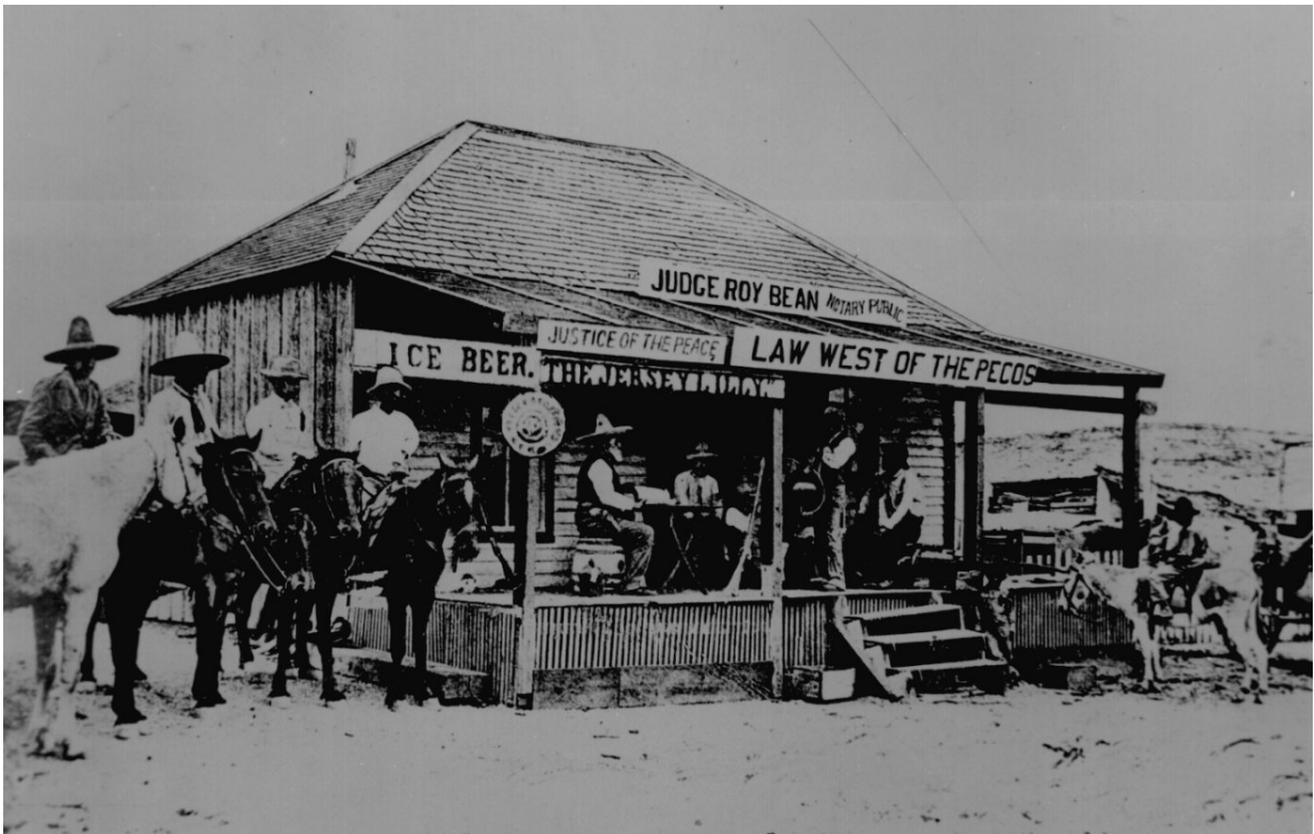
"JUDGE ROY BEAN, THE 'LAW WEST OF THE PECOS' HOLDING COURT AT THE OLD TOWN OF LANGTRY, TEXAS IN 1900, TRYING A HORSE THIEF. THIS BUILDING WAS COURTHOUSE AND SALOON." COURTESY OF LIBRARY OF CONGRESS

I assume that not all readers are *au courant* with the so-called crisis in legal education. Therefore, it may be useful to offer a brief description of the current problems of the legal profession and the consequent debate occurring among legal educators, bar officials, judges, and lawyers. Propelled by the recent attention to the decline in law school applications, the unseemly deception practiced by some legal educators to jigger important numbers, and the retrenchment in the legal services market, that debate has manifested itself in a proliferation of books, articles in journals and the higher education and legal trade press, and the blogosphere's dissemination of scholarship as well as the contrarian viewpoints from snarky disappointed law graduates. Because of the disproportionate role played by lawyers in U.S. society, there has been some concern about whether or not the current difficulties will end in a better situation or a return to a troubled Eden.

My own take on these various issues is that, though many see a crisis in legal education and are proposing draconian remedies, such an assessment is hyperbolic because (a) the problems are not new, even if they are more evident; (b) a number of the problems are not specific to law, but have characterized other professions and fields of study that compete for entrants; (c) law schools have made serious efforts to adjust, including some overdue downsizing; (d) students face increased difficulties in paying for their legal education, but Congress has acted to ameliorate some of the debt issues, in ways that have not yet fully played out, and, in any event, a number of schools provide part-time study; e) to the extent that there is a crisis, it is global and is most evident in the constriction of the traditional lawyer job market; and hence, f) it cannot be addressed solely by reforming U.S. legal education or even U.S. higher education overall. Even though it is not sexy or quotable to caution about overreaction, some of the suggestions for reform would likely harm more than help—especially the increased use of contingent faculty and the deregulation of the accreditation process. Virtually all the proposals have the same mantra—that the regulatory and accreditation process have led to cookie-cutter law schools and a failure to experiment. On the contrary, I see a great variety of experimentation, and a greater need for regulation and quality control.

I confess, it is an oddly-establishment position in which I have found myself lately, odd inasmuch as I have always viewed myself as an outsider to the legal education enterprise. I had always assumed that I would be remembered, if at all, for my work on the Dirty Dozen List, a shaming mechanism that I organized from approximately 1987, just five years after I entered law teaching, until about a dozen years later, when I declared victory and went home. I had identified nearly 40 law schools with no Latinos on their full-time faculty and successfully pressured the listed schools into hiring nearly 50 Latino and Latina law faculty. After investing a great deal of time and effort, I decided then that I would not continue to be the seed bank or racial cop, and ended the project. [1] Today, there are over 240 Latino law faculty in the many ranks of law schools, and five of us have been selected to serve as presidents of the Association of American Law Schools (AALS) in the last ten years, including two in a row and

three of the last five. These may seem small victories, but they are huge symbolic and substantive achievements, akin to Justice Sonia Sotomayor having been seated on the U.S. Supreme Court.

A dozen years later, after a surprising turn as President of the AALS (the third of the five), I find myself in the odd position of being considered such an insider that critics of the enterprise have excoriated me as a knee-jerk defender of the faith and the status quo. One sad blogger denounced me as "A Profile in Academic Myopia," [2] while a recent legal scholar who wrote a critical book on legal education ridiculed public testimony I delivered for the AALS before accrediting authorities, defending tenure systems and full-time faculty governance. He sneered: "Olivas's suggestion that we perform the important task of modeling 'selflessness' for law students is specious at a time when legal educators are paid handsomely for what we do." [3] While this *Radical Teacher* forum is not a venue for airing grievances (I was also accused of having a "ratty assed beard" to which, I suppose, I must plead guilty), it must be noted that critics from the right and the academic left have zeroed in on a handful of issues that have to do with pedagogy and the curricular delivery of legal education, which I acknowledge here so that outsiders will be aware that there are deep dissatisfactions in the legal academy, a number of which are generic and unlikely to be resolved in part because they are, well, unresolvable or due to economic restructuring beyond the control of law faculties.

> *I begin with the premise that many of the problems being encountered by legal education are cyclical, and that they have affected all of higher education, are contextual, vary across institutions and sectors, and are unlikely to resolve themselves apart from a general academic recovery.*

But these are not new. They have surfaced in different guises throughout the history of legal education, and even within my thirty-plus years as a law teacher. In some respects, the recent dissatisfaction reminds me very much of other academic fields where there were once glory days, and where a major restructuring was undertaken, such as in the academic fields of English (which I left after my Master's degree, when I saw the likely employment possibilities), and the other Humanities, all with longstanding declines still in evidence. I insist that my arriving at these conclusions is not a sign of liberal indolence or faculty featherbedding (Tamanaha), of my being unsympathetic to students (*Third Tier Reality*), or of my being a liar (an American Bar Association (ABA) official said so in public). [4]

I begin with the premise that many of the problems being encountered by legal education are cyclical, and that they have affected all of higher education, are contextual, vary across institutions and sectors, and are unlikely to

resolve themselves apart from a general academic recovery. All law teachers should be concerned with the fast-churning events and troubled by a number of the markers and revelations, and many are. A leading Cassandra is Professor Brian Z. Tamanaha, whose apocalyptic 2012 book *Failing Law Schools* is a shrill call to arms, a substantial work of powerful charges and dire solutions, well-written and arriving at a crucial time in legal education, in the United States and worldwide. I give his views great deference because his book has captured the *zeitgeist,* because it is widely influential, and because his views contrast sharply with mine on how we might remedy the situation.

The Many Moving Parts in the Political Economy of Legal Education

Here, then, I list some of my assumptions about legal education, many of which I readily note are congruent with those of Professor Tamanaha. A number of states, faced with ruinous economic conditions, are reducing their subsidy to public collegiate institutions.[5] This development and the rising cost of private education have meant that it is harder for students to finance education in any field of study without substantial borrowing.[6] Many students already arrive at law schools with substantial obligations and compromised credit worthiness.[7] Some states have privatized their public law schools, rapidly increasing the tuition prices.[8] Private law school tuition costs have continued to outstrip the consumer price index.[9] Thus, law student debt loads have also increased substantially. Professor Tamanaha is at his best in chronicling these developments, carefully laying out the way that debt issues arose, and giving examples of the extraordinary costs being incurred by the increased costs of legal educations, ones that have affected both ends of the spectrum, from the fabulously successful Yale Law School charging $50,750 in 2010 to the lowest-tier John Marshall in Atlanta, whose students "graduated with an average law school debt of $123,025, among the highest in the country. Many of its graduates did not get jobs as lawyers. Whether accredited or unaccredited, the school remains at the bottom of the Atlanta-area law school hierarchy and its students will have limited opportunities for employment."[10]

He attributes this dire situation to the required ABA accreditation process, where, he avers, opaque and collusive governance oversight enables legal educators to coerce all law schools into meeting higher (and more expensive) standards: "Now, however, students must pay a premium that attaches to accreditation, not just because it costs more to run an accredited law school but also because the market-based tuition price of an accredited law school is at least $10,000 higher than an unaccredited school."[11] Even though he thoroughly notes and critiques these differences in law schools, he nonetheless argues that ABA accreditation is a cookie-cutter process that flattens out difference. He also holds that its high costs are borne largely by students and that proposals to loosen some of the important ABA standards "would allow . . . greater flexibility and variation among law schools."[12] His logic fails in these mutually-exclusive assertions about the diversity of the two hundred or so (ABA-accredited or provisionally-accredited) law schools in the United States and the accreditation provisions that have enabled so many styles and approaches to bloom.

Every law school has its own admissions trajectory and narrative, and the national aggregate data are very volatile and episodic. Schools did fine and no one couched the scoring in apocalyptic terms back in 1987–88 or 1994–2001, when there were fewer LSAT takers than there were in 2011–12 (130,000). [13] Many of these issues are interconnected, including the strength of the post-baccalaureate job market, perceptions about overall degree value and professional opportunities, international test-taking and immigration trends, and other features over which the legal education complex has little or no control. In volatile times, some schools lean into the wind and increase their size and even their number of locations, as did Cooley School of Law, while others downsize their student bodies, faculty, and staff. [14] Cruel fates await schools that guess wrong, in either direction, but I read these institutional responses as major differentiating features, not as evidence of convergence and uniformity.

IN 1879, BELVA LOCKWOOD BECAME THE FIRST WOMAN ADMITTED TO THE U.S. SUPREME COURT BAR. THE SAME COURT, HOWEVER, REFUSED TO ISSUE A WRIT OF MANDAMUS ORDERING THE COMMONWEALTH OF VIRGINIA TO ADMIT HER TO THE BAR, THEREBY SETTING THE LEGAL PRECEDENT ALLOWING STATES TO LIMIT THEIR DEFINITION OF "PERSON" TO MALES ONLY. COURTESY OF LIBRARY OF CONGRESS.

And, most importantly, these developments are always relative—compared to what? In a difficult post-baccalaureate job market, law schools historically have been reasonable and accessible alternatives to medical school, MBA programs, and other graduate or professional career paths for college graduates. Post-baccalaureate professional students in the United States and the world form the talent pool, and most can choose among professions. Law schools will always fare well in this competition, especially when U.S. graduate students are

declining as a part of that whole, when it costs more to become a physician and establish a medical practice, and when corporations are subsidizing fewer MBA enrollees among their employees. [15]

The worldwide economic restructuring across professional sectors has also affected these fields, as well as other possible choices such as pharmacy, allied health professions, dentistry, and public administration. [16] As a result, trends for medical school test-takers and applicants also vary, as do those in MBA programs and graduate programs generally. A September 2012 *Wall Street Journal* article about MBA applications could have as easily been about law schools, when it summarized the precipitous decline in MBA test-taking and MBA applications nationwide: "Demand for an M.B.A. has cooled in recent years. But this year, it's downright frigid in some corners of the market."[17] No matter how the cycle turns, there will always be competition for and among potential law students, and this will occur whether or not law school tuitions increase. And there are only so many choices from which pre-professional students can select. Not everyone will be Bill Gates or Steve Jobs, dropping out of elite colleges to found corporate enterprises and change the world. Law schools will survive and a number will even flourish, and if some do not-- well, Darwinian forces are nothing new. [18]

> *In perhaps the most ominous sign of change, the law firm and legal employment markets are being affected and restructured in ways that have led and will likely continue to lead to lower legal employment opportunities; structural changes and irreversible firm arithmetic are likely to result in lower salaries and more contingent lawyer workforces.*

There is a dismal story about the debt loads being forced onto some law students to pay for the upscale law schools, chasing prestige and enrollments, and Professor Tamanaha makes indirect references to the cost of living and forgone wages that round out the cost of legal education; he and many others have considered this trend. [19] But he is silent on how many law students live beyond their means while in law school, failing to economize as they might. Any frank appraisal of professional school costs would have to include accurate and useful information on this matter. Noting it as a problem more under the control of students than are tuition increases is not being insensitive or blaming the victims, just being perceptive. As for tuition costs, students have more information about their choices than in the past, but there are still substantial information asymmetries that can lead to imperfect self-assessments, leaving students with a poor sense of which law school may be better for their own portfolio of accomplishments and achievements.

The ABA Council on Legal Education and Admissions to the Bar serves as the quality control mechanism for the financial aid eligibility that underpins federal government loan programs. The accreditation process of the ABA deserves better than critics allow, not in all its particulars, but as an overall safeguard of institutional quality as is required by the federal government for financial aid eligibility purposes. That the process requires all two hundred law schools to be the same or to operate similarly is contradicted by their patent variability and diversity.

Up until approximately 2008-2009, many law students were in a position to finance the cost of their college and professional education with subsidized loans, which they repaid from employment in a well-compensated profession, where career earnings improved over the trajectory of lawyers' careers. All the components of this equation are shifting, and the equation itself is unlikely to continue as a working model for many of our students. [20] Without the complex regime of relatively inexpensive and subsidized student loans, many students could not assume the growing risks of undertaking law study, at least not in the traditional three-year format of full-time enrollment. Not all enrolled students or their families will be able to avail themselves of stricter lending requirements. At the least, the costs of borrowing are likely to increase, postponing repayment of debts while also substantially increasing that burden. At the urging of legal educators, Congress adopted both an income-based contingent repayment plan and a public interest loan forgiveness program, but law students have not used them as widely as they should (and likely will). Undertaking long term debt is problematic in many dimensions, and the plans will require legislative revision, especially for the possible long-term tax consequences, but they provide a pathway to legal education that should be a serious consideration for many law students.[21] In the summer of 2013, both Houses of Congress agreed, as they rarely have as of late, to provide student loans with more predictable interest rates, tied to national productivity standards; the loans had risen to much higher rates for a short period, before all parties recognized the ripple effect that would occur if borrowing money were unattractive. [22]

In perhaps the most ominous sign of change, the law firm and legal employment markets are being affected and restructured in ways that have led and will likely continue to lead to lower legal employment opportunities; structural changes and irreversible firm arithmetic are likely to result in lower salaries and more contingent lawyer workforces. As one sign, major U. S. law firms are "outsourcing" legal work to staff attorney law firms in lower-cost cities; some outsourcing of routine legal work to foreign countries has been evident for years.[23] While relatively few international lawyers seek or gain employment in the United States, several observable trends will likely result in a more globalized legal job market; these include bar admissions pressures, international General Agreement on Trade in Services (GATS) negotiations, and other flattening trends in international legal education. In some instances, these will lead to decreased opportunities for U.S. lawyers, at least those who speak only English. [24] All these developments, virtually none of which are in the control of the legal education enterprise, have detrimentally affected

the employment prospects of new lawyers, and for that matter more senior attorneys, as law firms reorganize along traditional corporate lines and cut their workforces. [25]

These are daunting developments, knocking out or reducing the possibility of law school, especially for students from poor families, for first-generation college graduates, for immigrant families, and for minority communities. [26] Because these communities are growing and will provide the applicants for future law classrooms, these developments are ominous and unforgiving. I do believe that recent critiques have proven to be a needed wakeup call.

Unfortunately, Tamanaha's argument is largely an attack upon the full-time faculty model of legal education, which he identifies as a combination of self-serving governance, faculty self-indulgence, and law school greed, all of which combine to rob students of genuine choices and to require these duped students to subsidize the expensive lifestyle preferences of law professors:

> Law schools are financially trapped by what they have become: top-heavy institutions with scholars teaching few classes (writing a lot) and clinicians teaching few students. The perpetual "more" of recent decades—creating more time for writing, hiring more scholars and more skills-training teachers, and spreading more money around—severely constrains law schools going forward. [27]

As I wrote in a column to AALS member readers, the indispensable features of legal education in the United States are like our democratic processes: worse than anything except the alternatives. Can it really be a good idea to discourage or limit faculty scholarship? Increasing the number and percentage of contingent and transitory faculty will diminish the overall quality of the enterprise, and should be resisted vigorously, rather than regressing to the churning mean of a part-time faculty, serving as independent contractors. [28] As in any large debate over fundamental principles, those wishing to change a longstanding, well-articulated, successful, and robust status quo have the burden of persuasion. This said, a downsizing of legal enrollments and a slowdown in accrediting new law schools will most likely prevail, even with wrenching consequences for a number of law graduates and their schools. Some schools, especially lower quality and marginal proprietary institutions, may close, a rueful but not necessarily bad result. To effectuate these difficult decisions, more regulation should be exacted of the producer schools, including more difficult school entry standards and criteria, not the self-governing, deregulated, and *laissez faire* universe Tamanaha prefers, especially if it remains largely subsidized by taxpayers.

Conclusions, for now

Length limitations preclude my giving deserved attention to proposals for curricular reform, which reflect deep-seated differences in worldview. It is safe to say that the major fulcrums on which legal education balances

today are 1) a proportion between the longstanding tradition of doctrinal case law study and the more recent insistence upon practical training and developing practice skills, and 2) finding the best and most efficacious means of providing such professional instruction. Even small-town lawyers with traditional bread and butter general practices are in need of specialized training, international knowledge, and transactional skills. While the need for general legal services has never been greater, virtually all areas of law now require the comprehensive and specialized knowledge previously reserved for detailed transactions or complex litigation. As one example, it is inconceivable that a family law or criminal lawyer in Santa Fe, New Mexico or Newark, New Jersey could genuinely and competently represent clients without knowledge of basic comparative law or immigration law. Negotiating what used to be a good result for one's DUI client could be disastrous in today's practice if she were a non-immigrant or undocumented resident.

> *No law school would willingly enter a caste system and offer the legal equivalent of cosmetology. Nevertheless, the halo effects of institutional hierarchies already convey substantial privilege, and I fear that offering alternative vehicles for variegated legal instruction will exacerbate this differentiation.*

The increasing specialization and complexity of legal practice has led many observers to suggest that law school itself should become more specialized, offer J.D. "majors," or provide various certification programs that would carve out specialties. [29]   But I do not accept the premise that increasing specialization, particularly the rise of J.D. "majors" and specialty certification programs, is a good or necessary development, for several reasons that I have spelled out in detail elsewhere. [30]

No law school would willingly enter a caste system and offer the legal equivalent of cosmetology. Nevertheless, the halo effects of institutional hierarchies already convey substantial privilege, and I fear that offering alternative vehicles for variegated legal instruction will exacerbate this differentiation. There is, at the undergraduate level, a chasm between collegiate institutions and proprietary schools, one that could become prevalent in legal education between elite, comprehensive law studies and more occupational, short-term lawyer trade schools. Shaping law schools around occupational niches, or creating shorter-term programs, would lead to a weakened version of law school and an undesirable, paraprofessional alternative. In at least one state, Washington, this sorting out of professional licensing has led to paralegals and legal assistants being certified to undertake litigation-related activities that lawyers, especially apprentice lawyers in training, used to do. Proponents of such radical changes should bear a very large burden of persuasion. To the extent that law schools are heading down this ill-advised path towards specialization, I urge that they reverse the

trend. We cannot simply hope that the problems will resolve themselves or that the cracks evident in the infrastructure will heal.

This is not a feeble and reflexive defense of the status quo, and I share the concerns for our students and graduates, having spent all my professional life trying to serve them. It is no accident that a disproportionate number of lawyers serve in business and corporate enterprises, as well as in positions of governmental leadership and civic participation, giving generously of time and talent. Critics are properly concerned when some schools produce few graduates who go on to become or practice as traditional lawyers (some as low as 26 percent), [31] but I do not despair when I see these figures, provided they reflect a genuine choice of the graduates, not a choice forced on them by failure to navigate the bar processes, whether the examination portion or the moral character and fitness components of becoming lawyers.

There can be no doubt that some shrinking of individual schools and the overall enterprise is in order, and more attention to stricter—not looser—entrance requirements for starting new schools, including much more detailed needs analysis for regional schools and expansionist ambitions, especially for those existing schools that wish to cross state borders for satellite and branch campuses. The seven-year re-accreditation requirement, with many schools on chronic report-backs for failures to meet criteria, should be tightened, not subjected to less regulation. Schools that repeatedly fall short of program criteria should be placed on probation, and chronic-failure schools should be subject to more—and more meaningful—scrutiny. Such a gentlemen's agreement leads to virtually no school having its taxi medallion taken away; the laxity at the front end leads to almost no schools being de-certified. At the level of individual schools, more vigorous attention to the placement functions needs to be paid at most schools, not just for recent graduates but for alumni who find themselves in need of career services assistance when their own practices are harmed by the contraction of the legal employment system. Whether or not law schools accede to consumer regulation, developments in this area will affect legal education the way that they have in undergraduate education generally. [32] And faculty productivity could be increased, in ways that better allocate research and teaching assignments, including class size and workload policies, tools that have long been in the arsenal of administrators who usually make such assignments. It is the rise in administrative and support personnel that is a more readily apparent problem, not the behavior of faculty. This is not an embrace of business as usual, but all of these small considerations will require the full attention and governance of a full-time and engaged faculty. No permanent or systemic change will occur within a part-time or contingent faculty, churning through as they seek better opportunities.

I bear in mind that I am making this case to people who read *Radical Teacher* and who may harbor doubts about the efficacy of internal problem-solving remedies. But that is not my premise. I do not think that the restructuring of legal education will go away and that the legal markets will reappear, in time to save us. But I also do not think that Armageddon will arrive, and so I urge caution, especially in the downsizing and internal reallocations of institutional personnel that are occurring. It is not radical or convincing or sexy to suggest that cautious reorganization and some size reduction are doable for most schools, but these routes are likely our best paths out of the slow slide that began when we still felt that our world would always be as good or better. And I foresee no value in loosening accreditation requirements; indeed, I would make them more exacting and demanding, especially as they develop enrollment projections and service areas.

> *There can be no doubt that some shrinking of individual schools and the overall enterprise is in order, and more attention to stricter—not looser—entrance requirements for starting new schools, including much more detailed needs analysis for regional schools and expansionist ambitions, especially for those existing schools that wish to cross state borders for satellite and branch campuses.*

This decision-making is how most law faculties determine their own fates, with none of the featherbedding or greedy considerations suggested by critics as the prerequisites. We need collegial governance not just in the best of times, when it is easy, but in the worst of times, if that is what these times are. Just as the *Yeshiva* case misapprehended how normative academic decision-making is actually undertaken, as if the faculty were the drivers of all the institutional decisions, so that they are really elided with management, and cannot collectively bargain in private colleges;[33] so bloggers and critics have resorted to anecdotal stereotypes of faculty self-interest and selfishness that do not ring true, and do not square with my own experiences of service on the ABA Council, the AALS Executive Committee, the Association's Membership Review Committee, and eighteen site inspections.

I have cursed my share of darkness over the years, especially during my Dirty Dozen days, but I never really expected that such fist-shaking would convince others to my view. Naysayers and those who would fundamentally reconstitute legal education should have no such illusions, either. At the least, suggestions for improvement should demonstrably improve the situation before us, and do no overall harm. In my view, making law faculties more contingent and part-time, leaving them more subject to top-down decanal or institutional governance, and loosening further the minimal accreditation standards and federal government loan program requirements will do great harm to law schools and law school graduates. We should not belittle legal education's accomplishments, just as we should not overlook its weaknesses or inefficiencies or inequities. The bell will toll for all of us, even if we do not always hear its loud peals.

Notes

[1]. Ediberto Roman and Christopher B. Carbot, Latinos and Latinas in the Legal Academy: Freeriders and Diversity in The Legal Academy: A New Dirty Dozen List? 83 Ind. L.J. 1235 (2008).

[2]. http://thirdtierreality.blogspot.com/2011/08/profiles-in-academic-myopia- michael.html (visited August 6, 2013) (hereafter, Third Tier Reality)

[3]. Brian Z. Tamanaha, Failing Law Schools 19 (2012) (hereinafter, Tamanaha)

[4]. Mark Hansen, Too Much Momentum? Despite Criticism, a Review of ABA Standards for Law Schools is Moving Forward, A.B.A. J., May 2011, at 55.

[5]. There is an extensive literature on this distressing feature. Among the better resources is Donald E. Heller, State Support for Higher Education: Past, Present, and Future, in Privatization and Public Universities 11, 17–18 (Douglas M. Priest & Edward P. St. John eds., 2006) (noting decline of state support subsidies for colleges from approximately 50 percent of institutional totals in 1980 to 35 percent in 2000). See also Michael S. McPherson & Morton O. Schapiro, U.S. Higher Education Finance, in Handbook of the Economics of Education 1403, 1403–34 (Eric Alan Hanushek & Finis Welch eds., 2006).

[6]. See Lani Guinier, Guardians at the Gates of our Democratic Ideals, 117 HARV. L. REV. 113, 130 n.67 (2003) (discussing college student debt). The number of case studies has also increased, leading to very distressing reading of individual students and families. See, e.g., Ron Lieber, "For Student Borrowers, Relief Now May Mean a Big Tax Bill Later," New York Times, Dec. 15, 2012, at B1; Jason DeParle, "For Poor, Leap to College Often Ends in a Hard Fall," New York Times, Dec. 23, 2012, at A1; Caitlin Peterkin, "Rising Student-Loan Debt Spurs Calls for Frank Discussion, Not Panic Over Extreme Cases," Chronicle of Higher Education, Oct. 26, 2012, at A3.

[7]. The College Board tracks these trends over time, and the data reveal clearly that an increasing number of students borrow for their undergraduate education, and borrow more money, even adjusted for inflation. College Board, Trends in Student Aid 2011 at 4, 19, Figure 10A and 10B, available at http://trends.collegeboard.org/sites/default/files/Student_Aid_ 2011.pdf. In addition, a growing legal and economic literature is available, analyzing these issues. See, e.g., Michael Simkovic, Risk Based Student Loans, 70 WASH. & LEE L. REV. 1 (2013).

[8]. As examples, see the websites at various high-ranking public law schools, such as those in the University of California system, where in 2012–13, the tuition and fees alone at UC Berkeley and UCLA were $50,373.50 (http://www.law.berkeley.edu/6943.htm) and $47,464 (https://www.law.ucla.edu/current-students/tuition-and-fees/Pages/default.aspx) respectively, for residents. Out-of-state-students will pay additional non-resident charges. But as difficult as it is to accept this development, these schools are behaving rationally in a market where their state funds have declined, where the stock market is affecting their endowments, and where their applications and market niches remain competitive.

[9]. See Matt Leichter, At Last, a Rational Explanation for Why Law School Tuition Keeps Rising, AMLAWDAILY (Mar. 1, 2012), http://amlawdaily.typepad.com/amlawdaily/2012/03/at-last-a-rational-explanation-for-why-law- school-tuition-keeps-rising.html.

[10]. Tamanaha, supra note 1, at 19.

[11]. Tamanaha, supra note 1, at 19.

[12]. Id. at 31.

[13]. See FIG. 1, in MICHAEL A. OLIVAS, ASK NOT FOR WHOM THE LAW SCHOOL BELL TOOLS: PROFESSOR TAMANAHA, FAILING LAW SCHOOLS, AND (MIS)DIAGNOSING THE PROBLEM, 41 WASH. U. ST. L. J. L. & POL. 101, 108 (2013) (LSACS ADMINISTERED, LSACs administered, 1987-2012).

[14]. Thomas Cooley, headquartered in Lansing, Michigan, is among the few ABA- accredited law schools with approved law programs in non-contiguous states. See Elie Mystal, Ranking the Worst ABA-Accredited Law Schools, ABOVETHELAW (Oct. 31, 2012), http://abovethelaw.com/2012/10/ranking-the-worst-aba-accredited-law-schools/#more-202939.

[15]. For application and admissions trend data across several areas of study, see ASS'N OF AM. MED. COLLS., MCAT SCORES AND GPAS FOR APPLICANTS AND MATRICULANTS TO U.S. MEDICAL SCHOOLS, 2000–2011 (2011), available at https://www.aamc.org/download/ 161690/data/table17.pdf (medical); GRADUATE MGMT. ADMISSIONS COUNCIL, KEY TRENDS IN THE GMAT STUDENT PIPELINE, 2012, available at http://www.gmac.com/~/media/Files/gmac/ Research/miscellaneous/gmac-presentations-at-icam2012-public-final1.pdf (MBA programs).

[16]. Heather Biele, Majority of Veterinary Colleges See Rise in Graduate Numbers in 2012: Iowa State, Ohio State Continue to Top List by Class Size, DVM NEWSMAGAZINE, July 1, 2012, at 35, available at http://veterinarynews.dvm360.com/dvm/Veterinary+news/Majority-of-veterinary-colleges-see-rise-ingradua/ArticleStandard/Article/detail/778718?contextCategoryId=44924 (veterinary medicine); Colleen Flaherty, "The J-School Bubble," InsideHigherEd.com, August 9, 2013, http://www.insidehighered.com/news/2013/08/09/study-points-gaps-between-how-journalism- educators-and-journalists-view-j-schools#ixzz2bTELavez (problems in journalism education); and graduate programs generally: COUNCIL OF GRADUATE SCH., GRADUATE ENROLLMENT AND DEGREES 2000–2010, at ch. 3 (Sept. 2011),

available at http://www.cgsnet.org/ckfinder/userfiles/files/R_ED2010.pdf; NAT'L SCI. BD., DIMINISHING FUNDING AND RISING EXPECTATIONS: TRENDS AND CHALLENGES FOR PUBLIC RESEARCH UNIVERSITIES (2012), available at http://www.nsf.gov/nsb/publications/2012/nsb1245.pdf.

[17]. Melissa Korn, "M.B.A.s Lose Their Luster at Some Schools," Wall Street Journal., Sept. 10, 2012, available at http://blogs.wsj.com/atwork/2012/09/10/m-b-a-s-lose-their-luster-at-some- schools/

[18]. If a law school were to close or suspend its operations, it will likely be a marginal freestanding for-profit (or low-prestige collegiate) institution in a geographical area with a full array of other competing collegiate institutions with law programs, or a California private school at a low-prestige institution, where the school loses ABA accreditation or provisional accreditation, and where bar authorities move to limit the ability of its students to sit for the state bar examination. Each year, dozens of undergraduate colleges close, merge, or reconstitute themselves. See, e.g., GARY RHOADES, CENTER FOR HIGHER EDUCATION POLICY REPORT NO. 1, CLOSING THE DOOR, INCREASING THE GAP: WHO'S NOT GOING TO (COMMUNITY) COLLEGE? (2012), available at http://futureofhighered.org/uploads/ClosingTheDoorFINAL_ALL32812 .pdf.

[19]. TAMANAHA, FAILING LAW SCHOOLS 100 (2012).

[20]. E.g., Caitlin Peterkin, "Rising Student-Loan Debt Spurs Calls for Frank Discussion, Not Panic Over Extreme Cases," Chronicle of Higher Education, Oct. 26, 2012, at A3; Matt Leichter, At Last, a Rational Explanation for Why Law School Tuition Keeps Rising, AM LAW DAILY (Mar. 1, 2012), http://amlawdaily.typepad.com/amlawdaily/2012/03/at-last-a-rational- explanation-for-why-law-school-tuition-keeps-rising.html.

[21] See Brian Tamanaha, What's Wrong with Income Based Repayment in Legal Academia: A Response to Schrag, BALKINIZATION (Nov. 29, 2012), http://balkin.blogspot.com/ 2012/11/whats-wrong-with-income-based-repayment.html; Libby A. Nelson, An Underused Lifeline, INSIDE HIGHER ED (Oct. 23, 2012, 3:00 AM), http://www.insidehighered.com/ news/2012/10/23/despite-student-debt-concern-income-based-repayment-lags. See also Jack Crittenden, A 45% Employment Rate? How Law School Employment Numbers are Inflated, NAT'L JURIST (June 15, 2011, 12:06PM), http://www.nationaljurist.com/content/45-employ ment-rate-how-law-school-employment-numbers-are-inflated. See also Philip G. Schrag, The Federal Income-Contingent Repayment Option for Law Student Loans, 29 HOFSTRA L. REV. 733 (2001); he published a fuller version as a book: REPAY AS YOU EARN: THE FLAWED GOVERNMENT PROGRAM TO HELP STUDENTS HAVE PUBLIC SERVICE CAREERS (2001). More recent authoritative research on the subject by Professor Schrag includes: Philip G. Schrag, Federal Student Loan Repayment Assistance for Public Interest Lawyers and Other Employees of Governments and Nonprofit Organizations, 36 HOFSTRA L. REV. 27

(2007) and Philip G. Schrag & Charles W. Pruett, Coordinating Loan Repayment Assistance Programs with New Federal Legislation, 60 J. LEGAL EDUC. 583–612 (2011).

[22]. Christine Lindstrom, "The Good, the Bad, and the Ugly in the Student-Loan Deal," Chronicle of Higher Education, August 8, 2013, http://chronicle.com/article/The-Good-the-Badthe/141011/?cid=at&utm_source=at&utm_medium=en.

[23]. See Catherine Rampell, "At Well-Paying Law Firms, a Low-Paid Corner," New York Times, May 24, 2011, at A1 (domestic outsourcing); John Markoff, "Smarter Than You Think: Armies of Expensive Lawyers, Replaced by Cheaper Software," New York Times, Mar. 5, 2011, at A1 (restructuring of legal work through technology).

[24]. Penn State law professor Laurel S. Terry is among the leading scholars on this complex subject, and I am in her debt for spelling out the likely effect that GATS negotiations will have in more easily allowing foreign lawyers to practice in the United States. A sampler of her recent articles includes: The Future Regulation of the Legal Profession: The Impact of Treating the Legal Profession as "Service Providers," 2008 J. PROF. LAW. 189; and From GATS to APEC: The Impact of Trade Agreements on Legal Services, 43 AKRON L. REV. 875 (2010).

[25]. There is growing news coverage of the problems encountered by big law firm and more senior attorneys. See, e.g., Kent Zimmermann, Law Firm Leaders Feel Mayer Brown's Pain, MARTINDALE.COM BLOG (July 25, 2013), http://blog.martindale.com/law-firm-leaders-feel-mayer-browns-pain; Noam Scheiber, The Last Days of Big Law: You Can't Imagine the Terror When the Money Dries Up, NEW REPUBLIC (July 21, 2013), http://www.newrepublic.com/article/113941/big-law-firms-trouble-when-money-dries#. While the poor and middle class need more access to legal services, no successful market mechanisms have yet arisen to provide these services. See, e.g., William Henderson, Losing the Law Business, Cayman Financial Review 78 (2013); Tara Siegel Bernard, A Start-Up Aims to Bring Financial Planning to the Masses, NY Times, July 27, 2013, at B1.

[26]. Recent developments in immigration policy and state bar association practices have even led to law graduates in unauthorized status being recommended for full bar membership in Florida and California. See Michael A. Olivas, Dreams Deferred: Deferred Action, Prosecutorial Discretion, and the Vexing Case(s) of DREAM Act Students, 21 WM. & MARY BILL RTS. J. 463, 535–38 (2012).

[27]. TAMANAHA, FAILING LAW SCHOOLS AT XXX (2012).

[28]. Michael A. Olivas, 2011 AALS Presidential Lecture, at http://www.aals.org/services_newsletter_presAug11.php .

[29]. The Clinical Legal Education Association, in a 2007 report, recognized that "there is a place in legal education for 'niche' law schools that seek to prepare students for very specific areas of practice, or even for specialty tracks in any law school's curriculum," although it

acknowledged that most law schools, especially state schools, had a mission to prepare students for "a wide variety of practice options." Roy Stuckey et al., Best Practices for Legal Education 41-42 (2007).

[30]. Michael A. Olivas, Majors in Law: A Dissenting View, 43 Harvard Civil Rights- Civil Liberties Law Review 625 (2008). I have appropriated language and ideas from this earlier work, with permission.

[31]. TAMANAHA, at 114–16.

[32]. As good examples of this rising concern, see, e.g., Hazel Glenn Beh, Student Versus University: The University's Implied Obligation of Good Faith and Fair Dealing, 59 MD. L. REV. 183 (2000); Angela C.

Lyons, A Profile of Financially At-Risk College Students, 38 J. CONS. AFF. 56 (2004).

[33]. Nat'l Labor Relations Bd. v. Yeshiva Univ., 444 U.S. 672 (1980) (holding faculty in mature universities are "managerial employees," hence ineligible for collective bargaining).

RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

A Hacker in Every History Department: An Intelligent Radical's Guide to the Digital Humanities

By Claire Bond Potter
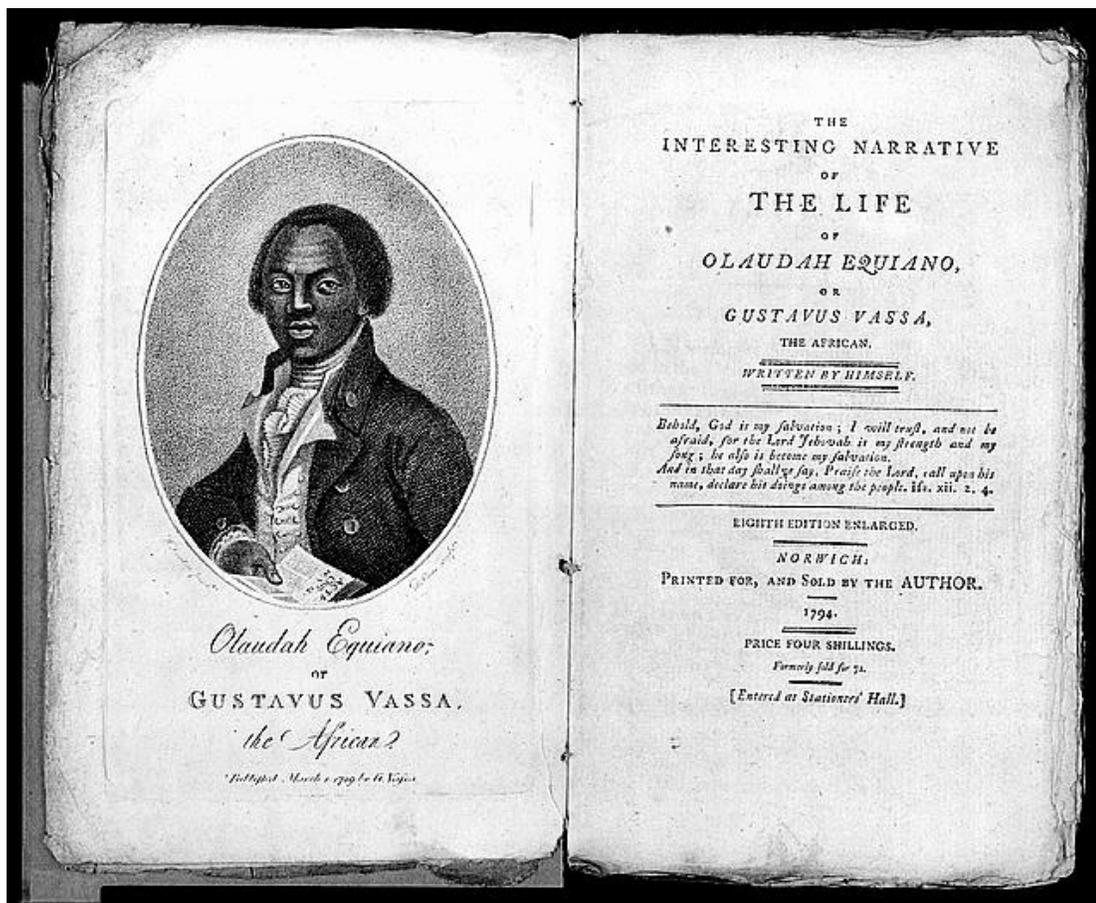
COURTESY OF LIBRARY OF CONGRESS

Are most college professors likely to be replaced by underpaid adjuncts that manage hundreds of students online? It seems so. Humanities departments that are already adjunct-heavy see their universities experimenting with substituting Massive Open Online Courses (MOOCs), taught by highly paid stars at major research institutions, for surveys and other foundation courses. Could the adjunct crisis get worse than it is? Sure it could, according to the United States Department of Labor (DOL), which projects that although higher education will continue to move away from tenure-track work, "opportunities are expected to be good for part-time or adjunct professors." The DOL also projects that some fields, such as health specialties and nursing, will experience better job prospects than others, *such as the humanities*" (emphasis mine). My own field, history, is expected to gain only 4,000 jobs over the next decade, many of which will be neither full-time nor tenure track. [1]

Many historians, and other humanists, lay partial responsibility for this unfolding disaster at the door of the Internet. "Anybody who pays attention to the vast literature on educational technology should be familiar with the term *unbundling*," historian Jonathan Rees writes. "Educational reformers use it to connote the kind of division of labor and specialization that Frederick Taylor adored. Why should anybody provide content for their classrooms, they ask rhetorically, when the best professors in the world can be piped in via the Internet?" Although most MOOCs currently rely on peer grading, that will change if they are integrated into credit-bearing degree requirements. If it is hard to imagine low-cost graders being recruited from a global labor pool of debt-ridden humanities graduate students and jobless Ph.D.s, further immiserated by the loss of the piece work they currently perform, don't worry: Amazon's Mechanical Turk has pioneered a model called "crowd working" in which home workers with a wireless connection (known as "Turkers") lowball each other for intellectual or mental labor, earning as little as $2.00 an hour. [2]

Imagine a historian working in computer labs with students to map Olaudah Equiano's long journey from slavery to freedom.

Could technology turn the next generation of college humanities professors into highly educated menial laborers? Perhaps, if this is what intellectuals will agree to become and students will agree, or are forced, to accept as teachers. It is easy to imagine the dystopia of pre-packaged humanities courses being sold over the Internet, credit by credit, because they already are: not just by for-profit entities like the University of Phoenix, but also by statewide public university systems. In February 2014, the state of Tennessee announced a plan to use $34 million of state lottery profits to eliminate tuition in the state's public community colleges and technical schools, a budget

increase that hardly seems sufficient for such a bold move. Will expanding on-line learning for all of Tennessee's campuses also be on the agenda? Probably: Tennessee already offers undergraduate degrees and technical certification online through its Regents Online Campus Collaborative. This has been the trend: Political and corporate commitments to expanding higher education through methods that make faculty work redundant, or cheap. [3]

But this is not where technology has to take us. Digital humanities scholars know that computers make us smarter, more creative and less replaceable by machines working alone. [4] We also know, as historian Ann Little, infers, that the problem with MOOCs is not technology. They disseminate knowledge on a massive scale, but they also reproduce the worst features of traditional pedagogy in their scale, impersonality and lack of pedagogical connection. MOOCs "feed the lie that reduces teaching to lecturing, and the misapprehension that we are indifferent to our audience, caring nothing about their comprehension, confusion, or questions," Little argues, noting (as many others have) that the students for whom on-line learning is the most affordable and accessible choice are often the students who are least likely to succeed in any educational setting without personal help. [5]

Now imagine a digitally trained scholar in every humanities department, one who connects students and colleagues to their counterparts – and emerging jobs – in science, engineering, business, politics and media, to move the humanities out into a world suffused with the digital.

Now imagine an alternative to this scenario of de-professionalization: historians not yelling at the kids in the back row to put their cell phones away, but answering questions that are being projected on the class Twitter feed at the front of the room. Imagine a historian working in computer labs with students to map Olaudah Equiano's long journey from slavery to freedom. Imagine hackers with history Ph.D.s in actual history departments who understand how to evaluate them for tenure and promotion, not squirreled away in a center or institute where they only talk to other hackers. Imagine scholarly and archival projects that are "born digital," requiring highly technical preservation and maintenance by historians trained to the task. In other words, imagine computerized teaching and scholarship as a source of new well-paid university jobs that preserve and promote the humanities.

Now imagine a digitally trained scholar in every humanities department, one who connects students and colleagues to their counterparts – and emerging jobs – in science, engineering, business, politics and media, to move the humanities out into a world suffused with the digital. Some universities are beginning to grasp this vision. For

example, in fall 2014, the University of Southern California is rolling out a five year program funded by the Mellon Foundation to expand multi-media literacy, digitize archives and give conventionally trained Ph.D.s the training in digital humanities (DH) that could make them eligible for such work.[6]

For many of us, digital technologies have not only been intellectually renewing, they have provided openings for radical scholarship and scholarly interventions that simply do not exist in the academic world we have inherited. Social media – Facebook, Twitter, and blogging – have become particularly generative spaces for questioning the academic status quo, exchanging ideas about radical scholarship and pedagogy, and creating space for democratic exchanges between faculty across lines of status, field, and institution. In 2006, as part of my desire to speak more bluntly about the conservatism of the academic enterprise, I started a blog, *Tenured Radical*, whose title riffed off of the culture wars rhetoric of the 1980s and 1990s, justifying cuts in academic jobs (specifically, the title of Roger Kimball's *Tenured Radicals: How Politics Has Corrupted Our Higher Education,* 1990).[7] Since then, I have acquired close friends and collaborators who are appointed at public and state universities, community colleges, and Christian colleges, who are on renewable contracts, who are more than full-time adjuncts, and who are graduate students.

These conversations have changed me. But a funny thing happened on the way to the blogosphere. I became persuaded, entirely by accident and without training, that digital technology had the power to radicalize my pedagogy and scholarship as well as my professional networks and non-scholarly writing. I learned that the vast majority of digital humanists have been, like me, predominantly autodidacts with traditional doctoral educations. We are also people who often have a keen sense of what the humanities ought to be as a twenty-first century intellectual practice that can democratize access to knowledge. I noticed something else as well: too often my colleagues reflexively viewed codex-based humanities as a treasured "high" culture by comparison to digital humanities' "low" and middlebrow cultures. At best, the traditional humanities provide content for digital environments that pander to people who will no longer read books and students who write in a strange argot that evades grammar, spelling, punctuation and good manners: "Hi r u going 2 be in office hours 2day?"

They could not be more wrong. Integrating digital literacy into doctoral educations could not only save the humanities, it could be part of a strategy to make Ph.D.s employable outside the academy and, in the process, revitalize full-time academic jobs. It would allow us to argue for new academic lines that articulate, rather than gesture to, the links between a humanities education,

global public life in the digital age and twenty-first century work. At the same time, training doctoral students as hackers would give sophisticated humanities scholars the vision and skills to work in cultural and political jobs where both the digitally illiterate and those without sophisticated cultural training are increasingly unemployable. Finally, what if politicians could not rely on a steady stream of unemployable Ph.D.s to renew and refill the adjunct army? If humanities scholars had clear and viable employment options outside the university, higher education would be forced to compete for, rather than exploit, our teaching labor.

Putting a digital scholar in every humanities department could help academics become intellectually and economically flexible in an educational policy environment where the word "flexibility" has become the property of the bosses: an argument for employing practitioners in higher education rather than cultivating tenured or permanent, teaching faculty.[8] Making the hacker's primary characteristic – the capacity and desire to change to meet new challenges – a characteristic of all humanities departments might be the reform that helps our work regain its social and economic value. In other words, it may be time (to paraphrase DH scholars Dan Cohen and Joseph Scheinfeldt) to hack the academy.[9]

Fears that technology could destroy intellectual employment, even in its currently beleaguered state, are not outlandish. Technology has "unbundled" forms of middle-class labor as different as book selling, nursing and the law.[10] Technology has also facilitated unwelcome changes in the university workplaces that we associate with the emergence of a "corporate university" that, following a for-profit model, has outsourced as many forms of labor as possible. Eliminating full-time, tenure-track faculty work has been part of a long-term strategy to redirect public funds away from non-profit and towards for-profit education by eliminating public subsidies for tuition and loans and shifting institutional funds disproportionately to sports programs and administrators who are paid like corporate executives.

However, in the classroom, digital humanities (DH) practices work quite differently. They privilege: student research over top down pedagogies that can be easily reproduced in online environments; the cultivation of critical practices over standardized curricula and testing; and the opening of archives and other primary sources to non-specialists. Best of all, the "bottom up" and collaborative nature of a digital humanities practice reopen classic texts for new forms of investigative practice that not only take the digital to the humanities, but make the humanities relevant to an increasingly digitized world.

The idea that technology can only result in job loss has emerged in an environment where even progressive academics insist on regaining what has been lost before

CLAIRE POTTER'S BLOG

reexamining the sustainability and relevance of their own practices.[11] Arguably, communications technologies have sparked incremental (and sometimes seismic) changes over time: as they destroy jobs they create new ones. If expert manuscript copyists saw their jobs ending in 1455 when Johannes Gutenberg's first Bibles were pressed, what they did not live to see was that making cheap books available to the public created centuries of mass employment, much of it quite well paid. [12]

Humanists often cannot see the possibilities of digital technology for their own and their students' employment because they see it as the opposite of what they do and value. The Internet is closely associated with changes that many scholars experience as only destructive: the disappearance of physical books from libraries and distance learning. They resent the enhanced opportunities for student cheating over the Internet that have, in turn, prompted the compulsory use of teaching software like Turnitin.com to catch plagiarists.[13] Computerization has also made it plausible to increase faculty workloads with work that used to be done by unionized secretaries, assistant registrars, mailroom attendants, student affairs and human resources administrators and travel agents.[14]

There is no question that digital technology has changed what it means to be a college teacher, and done so at a time when salaries of all but the best-paid stars have gone flat. Because of all this new work (particularly email, where committee meetings metastasize into days of "reply to all" conversations and which students prefer to office hours), computers also make the modern faculty home a site for time-consuming drudgery that stretches into evenings and weekends. Although we also use them for various forms of play like Netflix, posting Grumpy Cat memes, and viewing baby pictures, when it comes to our scholarly lives, computers too often feel like brooms, not pens. They exhaust us, and often make those who are not digitally literate feel uncharacteristically incompetent. At a recent professional meeting, a prominent historian expressed to me his frustration that the university bought him a new computer every two years, but had never sent someone to teach him how to use it. In other words, his computer actually makes him feel not smarter, as the research would suggest, but stupider!

The impression that technology is complicit in destroying scholarly work is particularly understandable when you consider that as computers were on the rise in the 1970s and 1980s, the academic labor market was contracting. Personal computers arrived on humanists' office desks around 1992, close to the time that the American Historical Association pronounced adjunct labor a "troubling" problem that was "most acute" in the humanities.[15] In his 1993 novel, *Japanese By Spring*, Ishmael Reed foresaw that the disempowerment of

industrial and office workers that began in the 1970s and accelerated in the 1980s could be easily turned on university professors. Reed's antihero, Benjamin "Chappie" Puttbutt, a self-absorbed African American Studies professor who surfs literary fads, is besieged by racism, left-wing political correctness and a negative tenure decision. Salvation arrives, in the form of a Japanese corporation that purchases the college as a for-profit enterprise. Puttbutt adapts to his new situation by becoming a neoconservative and taking Japanese lessons, reflecting that "If the Asian thing was going to fly" he "wanted to at least be in coach". The Japanese chief executive officer, seeing Puttbutt as a visionary rather than the shallow failure that he is, makes him president of the college, putting him in charge of all his tenured enemies. He fires them.[16]

Published just as humanists were beginning to adopt email, a basic digital tool developed by academic and military scientists in 1971,[17] the plot of *Japanese By Spring* turns on many familiar fears. Primary among them is that digital technologies will inevitably give institutions new tools for making the vast majority of faculty redundant, and will exacerbate what is already a serious problem of underemployment in the humanities. Accompanying this fear, however, is a failure to understand the intellectual work that computers are now making possible, such as gaming, web-based projects, mapping, and the software-enabled possibility of visualizing narrative, change over time, and chronology. The idea that digital humanities are just a passing and knowledge-degrading fad is spoken and unspoken among many colleagues, even those who themselves had to fight hard to establish new fields in Marxist, ethnic, gender and queer studies.

My own field, history, makes an excellent case study for the interventions digital scholarship could make in the dismal employment situation. Among humanists, historians were "early adopters" of computerized technologies and among the first to imagine how digital platforms could create a university without walls.[18] However, as a disciplinary group, across political and institutional lines, historians are likely to view digital humanities projects as unscholarly by comparison to traditional monographs, articles, dissertations, and essay-based classroom pedagogies. (As one highly-placed wag said over a beer at the 2014 American Historical Association (AHA) annual meeting, "Historians study change; we don't recommend it.")[19]

Evidence for digital historians' marginalization within their discipline is, ironically, the successful institutionalization of digital and new media technologies *outside history departments* in the form of well-known institutes like George Mason's Roy Rosenzweig Center for History and New Media, City University of New York's

American Social History Project/Center for Media and Learning (ASHP/CML), and the University of Virginia's Center for Digital History (home to historian Edward Ayers' Valley of the Shadow project.) Only in 2014 did the discipline's largest professional association, the AHA, establish a committee to write guidelines for hiring, promotion and tenure in digital history, a full two decades after the creation of the Rosenzweig Center and three decades after the creation of the ASHP/CML.[20]

As a discipline, history provides numerous challenges to digital humanities' emphasis on transparent intellectual design and public engagement. Although grounded in the scientific pragmatism of the late nineteenth century, historians often shy away from discussing their own methods.[21] Archivists, oral historians, museum curators, and public historians are clear examples of the publicly engaged scholarship to which many historians aspire. Yet book-writing scholars often view these employed, robust practitioners of the discipline as less worthy than the Ph.D. who holds out grimly for a position on the tenure-track, despite chances that fade as each year as an adjunct passes. In spite of its popularity as a major, a field for graduate study, and as a pastime for every kind of entertainment from pleasure reading to videogames, history is also among the disciplines worst affected by the turn to contingent labor.

In 2013, the AHA gathered comprehensive job data for 2011-2012 and found that openings for historians in higher education had declined by 7.3% in a year in which the economy had actually improved. Furthermore, for those of us who follow acrimonious blog posts written by frustrated job seekers, history is also an excellent example of the disdain for market-based decision-making among humanities scholars more generally. Graduate students seem to pursue degrees in history, and specializations within it, out of intellectual passion rather than any evidence that it will make them employable. In 2011-2012, there were over two new Ph.D.s produced for every entry-level job. That ratio is closer to 3:1 for United States history, 1.5:1 for European, slightly over 1:1 for Latin American and Middle Eastern; and there were not enough new Ph.D.'s completed in North America to fill available jobs in Asian history.[22]

The demand for digital historians was infinitesimal, although there was a clear bump from previous years. Out of 1,158 total jobs, only 60–or 5%–specified a primary or secondary specialization in digital history.[23] However, the AHA seemed not to know how many graduate students had completed their training in digital history under senior faculty members, as we would expect from job candidates in other fields, or whether successful job seekers had cobbled together a program of training on their own. Despite the growing importance of digital skills to nearly every form of professional work, academic or non-academic, the vast majority of history and other humanities Ph.D.s are trained as they were prior to the Internet revolution: to produce, read, and teach written texts that are either printed on paper or available in electronic formats that simulate printed paper.[24] Students who had credentials in the field were more likely to have acquired them in media studies, archives, and information technology degree programs or through fellowships and mentoring in digital history centers.[25]

Departments who hired digital historians last year may, or may not, have understood the potential this field has for altering intellectual power relations within intellectual fields where authority is usually defined by seniority, longevity, experience and deep knowledge of subject. DH, while not uninterested in these things, tends to emphasize the hacker ethic of "doing the work": experimentation, new methods, making sense of unwieldy and odd data, the capacity for creative transformation, experimentation, visualization, interdisciplinarity, accessible publishing styles, engagement with everyday texts and archives, and bottom-up knowledge production. As a scholarly model, it values collaborative wisdom above an individual hero-scholar's triumph over the archive.[26]

As a teaching field, DH also emphasizes "flipped" classrooms: learning styles that emphasize gaming, collaboration, problem solving and acquisition of knowledge outside of class so that it can be put to practical, creative use during class time. This practice initially emerged among math and science teachers in secondary schools and has trickled up to university classrooms. It encourages students to develop their own authority rather than to mimic forms of authority modeled by the teacher. In its most basic form it inverts the teaching of facts and the problem solving that normally occurs when students are preparing written assignments or synthesizing the material they have learned. Historians who believe in the lecture as a pedagogy may record a video and post it with several primary documents and readings, using the virtual tools that most universities now provide (Black Board, Canvas), free blogging software (Word Press, Blogger) or social media (Facebook, tumblr). Synthesis of the material occurs in class, usually in the form of group problem solving.[27]

As a discipline, history provides numerous challenges to digital humanities' emphasis on transparent intellectual design and public engagement. Although grounded in the scientific pragmatism of the late nineteenth century, historians often shy away from discussing their own methods. Archivists, oral historians, museum curators, and public historians are clear examples of the publicly engaged scholarship to which many historians aspire.

Because flipping does not lead the class towards an analysis or critical reading already established in the scholarly literature, it holds out the distinct possibility that those students will teach the teacher. As Peter Stearns, the Provost of George Mason University, wrote in August 2012, in his flipped version of the Introduction to World History,

he intended to use class time to ask students to think deeply about historical problems that "involve comparison, or causation, or testing the significance of change. It will, I hope, at least by the second half of the course, involve determining local versus global factors in shaping human societies." Martha Hollander, an associate professor of art history at Hofstra University, uses what she calls "a modified version of 'flipping,'" in her classes, posting images, video lectures and critical work online, then requiring students to blog about it to generate topics for class discussion. Class time is then devoted to group work that helps them prepare to write more formal papers, "working individually or in groups to research an unknown object to answer certain questions; reading texts and analyzing objects in light of them, then posting their findings and conclusions to a Blackboard site."[28]

What this requires is something that most online courses–certainly not MOOCs with tens of thousands of visitors–can achieve: a teacher in the classroom, moving from group to group, offering guidance and additional readings that students discover they need. In one of my flipped courses, "New York City Activists and Their Worlds," I determined to help students explore Greenwich Village's history as a hotbed of queer activism by teaching the class in the Manuscripts and Archives Division of the New York Public Library. The course began with a bare-bones syllabus. There were very few readings, and those addressed not content, or a field, but methodological and ethical approaches to writing about a recent activist past. Students chose collections to work in (the ACTUP oral history collection, the Jonathan Ned Katz Papers, and the Gran Fury Collection were a few) and then sorted themselves into working groups to decide how to produce a project that would interest other people in the collection and make it available as a teaching tool. Students were encouraged to use skills they already had to design the projects and to teach other people in the group what they learned. Projects that emerged from the class were:

• One group updated graphics originally designed by the Gran Fury collective in the 1980s for twenty-first-century safe-sex campaigns. This meant working with survivors of the collective to ensure that the designs did not violate the original intent and printing the mash-up designs on tee shirts that were sold at cost.

• Four students re-printed Jonathan Ned Katz's play, *Coming Out!* (1975) as a downloadable ebook for use by high school students, embedding documents, illustrations and citations in the text that allowed those putting on the play to gain a deeper knowledge of twentieth-century gay and lesbian liberation in the United States.

• Three students developed an ongoing collaboration with ACTUP.org and are helping to produce transcripts and videos for eventual display on the web.

In each case, students worked directly from the archival collections. Week-by-week, I worked with them to develop bibliography and project design.

This brief description suggests that I did very little work on the course. In fact I did another kind of work: teaching collaborative skills, absorbing what students were interested in and leading them back to the traditional scholarship they required for a deeper understanding of the material, and supplying examples of other digital history projects that might inform their project design. In my case, a flipped classroom was one in which I collaborated with students to bring their projects into being, rather than insisting on a particular path to a particular outcome. It also meant that at the end of the semester, each student had a project that could be given to a potential employer as an example of humanities knowledge that was potentially transferrable to other kinds of paid cultural work.

As a field, digital humanities, like the sciences and work in the world outside the university, emphasizes collaboration and cooperation with a team rather than the forms of independent achievement that are typical of academic labor in the humanities. DH scholars collaborate with each other and with their students in the creation of "born digital" projects, freestanding research that is open to reinterpretation by other teachers, students and curious members of the public. The *Valley of the Shadow* project, for example, directed by historian and University of Richmond president Edward Ayers, was built by students and currently allows other students to explore the Civil War through the digitized records of two communities, one Union and one Confederate. Since 2011, Japanese historian Alan Christy has been the faculty leader of *ROUTES*, a student-created DH project at UC Santa Cruz that tells the story of the Japanese World War II experience through personal narratives and images. With Alice Yang, Christy has created a translingual website that makes World War II documents and memories available to citizens in Japan, Korea, China, and the Philippines.[29]

By contrast, graduate study in the humanities continues to emphasize preparation for twentieth-century pedagogies characterized by top down structuresof authority in which faculty lecture and choose topics for discussion. These pedagogies privilege what Paolo Freire critiqued as "knowledge banking,"[30] rather than knowledge creation, replicating for an undergraduate audience the skills and subject matter the historian has learned through intensive study. Trained to receive knowledge gifts from

ACTUP ARCHIVES

their mentors and improve on them, entering cohorts of new college teachers are sometimes underprepared for a student population, much less for a society, characterized by swiftly proliferating and changing information, digital archives, and user-friendly information technology.

Even after the recent revelation that introductory courses might be replaced by MOOCs, history departments do not seem to have really grasped that knowledge-banking models are the single pedagogy most easily replicated by corporate entities. Every stage of becoming a professional historian involves a high degree of replication, and thus is the exact opposite of a digital world that values creativity, change, and accessibility. Rather than reforming *what we can do* as humanities scholars, historians have sought to make *what we have always done* more rigorous and have insisted ever more loudly on its core value as an enterprise.

Scholars on the left may also need to make a more honest assessment about whether what counted as radical knowledge a quarter century ago – feminist, critical race, queer and post-colonial studies – ever radicalized dominant practices within American higher education. I would argue that they did not. Course materials are still generally delivered in 10-15 week terms, or in 3 hour, 90-minute or 50- minute class periods, regardless of how the subject might best be conveyed. The vast majority of college professors still assign written essays and exams that they detest grading and students dread writing. Lecturing and text-based discussion are not necessarily radical pedagogies simply because the material presented confounds intellectual orthodoxies.

The lecture, leavened by a few student questions, or the passing around of a document, is still the primary mode of undergraduate instruction in history, as it is in the MOOC. Hence the importance of the "job talk" in the interviewing process is not just to make sure that a candidate can present research in a fashion that is entirely unchanged since history departments were formed in the 1880s. It also serves to demonstrate, perhaps with the aid of a Power Point presentation, the young historian's competence in the most conventional and central historical pedagogy. If they are not trained specifically in public history, job candidates are rarely, if ever, asked to solve a problem during a job interview; organize students into a collaborative project; imagine a use for their research outside the academy; or explain how their scholarly practice builds bridges to activism or to nonacademic communities. Nor are job candidates asked to imagine the scholarly pathways that might lead undergraduate, or graduate students to non-academic and professional labor.

I do not fault conventionally trained historians for the employment crisis itself. However, it should come as no surprise that policy makers and education critics believe that curricula based on knowledge banking pedagogy could be easily and cheaply conveyed through information delivery systems that complain less and need no health insurance.[31] Continuing to insist on the "timeless value" of the humanities may never have been a substantive way to talk about the project of higher education. However, it seems like an exceptionally poor strategy in a moment

when the financial sacrifices students and their families make for education produce heightened anxiety about whether a B.A. will actually lead to employment. Unless we are willing to explain why the critical, research and writing skills we value are applicable to an increasingly technological and global workplace, historians and their fellow humanists can expect to have an increasingly difficult time making a case for themselves.[32]

History departments and, more surprisingly, graduate students themselves often see a solution to the job crisis in educating fewer historians. Although most professional organizations, including the AHA, are putting more energy into highlighting how a historian can take conventional training to different kinds of employment, increasingly the consensus seems to be among leading doctoral programs that the only solution to unemployment is to reconfigure supply and demand, by shrinking doctoral programs and removing excess job candidates from the market. Other suggestions emphasize the practice of conventionally academic history outside the university. Stanford University recently offered its unemployed Ph.D.s the opportunity to return to school for free to retrain as high school teachers. In a series of 2011 articles in the American Historical Association's *Perspectives*, Anthony Grafton and Jim Grossman proposed that graduate
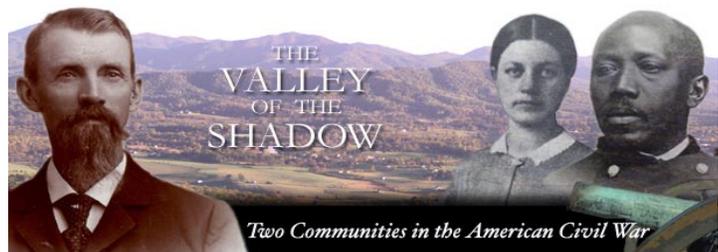
programs modify themselves to make their students employable in related fields: museum studies, archives and public history. Most recently, the AHA has developed a new section of its newsletter called "Career Paths" that features articles about historians who have successfully transitioned into non-academic careers.[33]

What these approaches presume, however, is that with some slight modification, the skills historians are currently taught in graduate school are sufficient. As one commenter on my blog observed, the Grafton and Grossman proposal failed to imagine that "history departments need to change their curricula to train historians for a wider range of jobs." Another saw the scope of the plan as too small to begin with. "The goal in the future is going to have to be to find ways of engaging the public beyond the confines of the classroom," a second commenter observed, "or the narrow academic audiences of scholarly journals and small academic presses." Other commenters expressed skepticism, based on their own experience on the non-academic job market, that the training currently offered in history Ph.D. programs prepared graduate students for anything but conventional teaching and scholarship and worried that additional training would prolong a degree that now takes seven to nine years to complete.[34]

The length of time to degree makes both faculty and students reluctant to imagine other kinds of training that might be added to the Ph.D. curriculum to make humanists employable outside the academy. On the other hand, many programs simply do not want to know because they do not see students who are working off the tenure track as an advertisement for their program. Several graduate students I talked to said that when departments listed graduates on their websites, those with jobs outside of history were often left off the list entirely. "I think it's more critical that grad programs get away from the culture that a tenure-track job is the only thing you can do with the skills a PhD provides," said Ian Lekus, a history Ph.D. from Duke, now in an alt-ac job after a decade of temporary full-time positions, "since those jobs are disappearing. That culture change (and encouraging grad students to understand the skills they are developing) is more critical than curricular change."[35]

John D'Emilio, retiring from the University of Illinois-Chicago, and who worked for a number of years at the National Gay and Lesbian Task Force, is skeptical that the current crop of senior faculty are capable of creating the necessary change that would link history Ph.D.s to public work. "I honestly don't see it coming from changes made in the curriculum itself," he wrote to me. "I see it coming by grad students building up experience by working with and in organizations that mean something to them and building up a resume that way. As a grad student I had experience as a free-lance writer for publishers that then served me well in working for non-profits that needed someone to write fact sheets and position papers. The participation that I had with activist organizations helped me get paying jobs with other such organizations. The writing skills and abilities to analyze and think and express myself clearly and intelligently became entry points to organizational work that would have constituted an alternate career if I had stayed with it."

Although books and traditional scholarship are not going away any time soon, culture work is going on the web at a rapid pace. Students with Ph.D.s who do not have basic digital skills, and more importantly, the flexibility and desire to learn the digital tools they will need to function in a political, corporate, or literary journalistic enterprise are at a great disadvantage.

Yet, these comments, as another colleague pointed out, "place too much burden on the individual grad student to gain experience." So what curricular changes could be made? And how does digital humanities create a model for these changes?

Humanities Ph.D. programs should also be exposing their students to work opportunities in the same way that they bring graduate students into the classroom to help them learn how to teach. Cal State-Fullerton is modeling a

way to bring that kind of engaged learning into their master's program in American Studies. "We are now trying to formalize an internship program with some local nonprofits so students can go alt-ac if they prefer," writes historian Erica Ball. "The more practical the experience, the better." There are also plenty of opportunities to develop skills inside the university, many of which are highly useful on or off the tenure track. Graduate students might be asked to spend a semester of their fellowship in the provost's office, the university archives, the university press, the development and public relations offices, with an eye to learning how to function in a business environment, read a budget and learn the digital tools that modern non-profit management relies on.

Although books and traditional scholarship are not going away any time soon, culture work is going on the web at a rapid pace. Students with Ph.D.s who do not have basic digital skills, and more importantly, the flexibility and desire to learn the digital tools they will need to function in a political, corporate, or literary journalistic enterprise are at a great disadvantage. A department hacker can train future digital historians, but that hacker can also link the skills that D'Emilio describes above to a variety of work environments where technological competence is a requirement. "You want to make a Humanities Ph.D. employable?" a former academic wrote to me. "Make sure they learn HTML, CSS, XML, TEI, the programming language du jour. Have them take information science classes and learn web development."

This focus on what happens in graduate school, and how hiring a hacker could help create the necessary transformation in curriculum, pedagogy and focus offers us a radical possibility: digital tools make movement between publics, as well as between jobs, possible for historians. It is in this context that some of us who have benefitted from a conventional university education, and have discovered the power of digital technology for teaching and creative thought, are addressing the urgent question of what kinds of transformations might put humanities scholars back to work on the tenure track, to revamp what counts as a humanities education that is relevant to the twenty-first century, and off the tenure-track, to take humanities experts into a cultural and political world that is increasingly web-based. Furthermore, by expanding what counts as employability in the humanities, we might then force universities to compete for humanists just as they now compete for scientists and administrators.

I am often asked what someone with a digital humanities Ph.D. or a discipline-based scholar whose intellectual work occurred in a DH environment could do. My question is: what can't they do if they are well trained in technology; open to learning and creative experimentation; good writers and critical thinkers; and they are culturally sophisticated? Most importantly, a DH scholar in every history department and every graduate program in the country could begin to bring their colleagues into the twenty-first century that everyone else is living and working in. They could jump-start history projects that make the humanities we know and love relevant to a community of digital learners who are not necessarily in school, who believe in open-sourced

everything, who are skeptical of authority and institutions, who write stories by programming video games, and who do not believe that putting your ideas down on paper is the only, or even the best, way to think.

An immediate way for every North American history department to intervene in the job crisis would be to advertise, over the next three years, at least one open-field, tenure-track job in digital history. Bringing in digital history colleagues who are also trained in traditional fields would help to address the high level of ignorance in most departments about what many perceive to be the intellectual, professional and pedagogical dangers of computerized scholarship.[36] MOOCs are not the only digital learning environment that technology can produce, nor do digital tools and environments dictate the intellectual content, pedagogy or staffing of courses. Digital history can involve the use of social media to create community outside the classroom or discussion inside it. It can teach new research methods that are particularly urgent as our archival work and secondary reading become digital. It can introduce students to new methodological techniques that allow them to read and understand primary documents differently. It can show how narrative emerges from chronology through the use of timeline software. And it can involve the creation of argument through mapping software.

These are among the tools that not only bring digital knowledge to the humanities, but–more importantly–update the humanities for a digital twenty-first century world that desperately needs them. By treating digital knowledge as if it were optional, we are training new generations of graduate students to fear technology, or worse, hide their DH projects from their mentors for fear that they will be perceived as intellectually unserious. Several years ago, I consulted with a prestigious department whose faculty and graduate students were distraught because no new Ph.D. had been awarded a tenure-track job the year before. I met with numerous graduate students in office hours. Each had a dream DH project or an idea of how they might translate their humanities degree to a non-university job through technology. Each asked me not to reveal these plans to their mentors, however, for fear of being viewed as unserious in their scholarly ambitions.

If we imagine digital literacy as an urgent project, which I believe it is, we should be pressing universities on the following points: Why not more Ph.D.s, many trained to work outside the university, rather than less? Why can't all Ph.D. programs in the humanities be reformed to include training in digital tools (something most graduate students either do not learn or learn independently of their course of study) and to privilege the ways that technology transforms the world of ideas? Why can't a humanities Ph.D. have a choice: either stay in the university to drive the next stage of transformation in the humanities or return to the digital public sphere as a well-employed radical intellectual?

The radical project within the academy will be to persuade colleagues that the humanities continue to be relevant to a digitized world, but that something more is now needed. To return to the frustrated colleague I mentioned at the beginning of this essay, the one who does not know how to use his computer. This scholar, who is a highly sought after graduate mentor, does not yet imagine the transformative possibilities of the digital. He imagines a nice technician walking him through the basics of Word, Power Point and how to access the wireless Internet signal in his department. This pleasant, well-spoken young person would, in his dreams, teach him how to optimize his computer's capacity as a typewriter and postal service so that he can go on doing his scholarship in the ways he always has. He has not dreamt that she could use mapping or timeline technology as an alternative to writing a book; flip her classroom with Prezis, Facetime, Facebook, mp4 files, tumblr and blogs; or have her students make a film rather than write an essay. Nor has he dreamt that something other than a book (ok – maybe an ebook!) would be the centerpiece of a promotion case.

To follow this line of thought, then, despite the fact that younger people are more likely to be familiar with digital worlds, this colleague's graduate students may not value, acquire or develop digital humanities skills. This puts them in a very fragile position when it comes time to translate the Ph.D. into paid, full-time labor. They may be unemployable, except as candidates for the highly traditional tenure-track jobs that are growing scarcer or the contingent jobs that are proliferating in their place. This will not be because they have Ph.D.s in the humanities. It will be because they do not understand how intellectuals outside the university think or what they do, and they cannot connect what they know to the world the vast majority of citizens are living in.

If we imagine digital literacy as an urgent project, which I believe it is, we should be pressing universities on the following points: Why not more Ph.D.s, many trained to work outside the university, rather than less? Why can't all Ph.D. programs in the humanities be reformed to include training in digital tools (something most graduate students either do not learn or learn independently of their course of study) and to privilege the ways that technology transforms the world of ideas?

It is a common response to the crisis in employment for humanities Ph.D.s that university budget policies concentrating compensation in a few high status positions – administrators, coaches, star faculty – are the principle bars to full and humane academic employment. That is true to some degree. We know the results of these policies. Football programs that lose tens of millions of dollars a year and performance bonuses define the external face and the boardroom of the university. Making do with less defines the university where the humanities exist: for-

profit distance learning and the threat that MOOCs will replace foundation courses; breaking apart tenure-track jobs into ill-paid per course and online instruction that can be outsourced; the demise of language instruction; the creation of new full-time teaching employment through renewable contracts that carry high teaching loads; a privileged faculty elite that has access to tenure, research support and low teaching burdens; the recruiting of graduate students primarily as teaching labor; the centralization of curriculum and demands for outcomes-based assessment. There is no doubt that most of these changes have been either facilitated or made into options students can tolerate, through technology. But technology did not create these changes, and faculty members can resist by harnessing digital tools. They can adapt and change rather than refuse.

What if the things we know about digital humanities and all of the skills associated with it could be harnessed to create new kinds of intellectual workers that were in demand, not in excess? What if – we hacked the academy?

I would like to thank the cluster editors of this issue, Richard Ohmann and Ellen Schrecker, for their excellent questions, comments and editorial advice.

Notes

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RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

Professional Decline and Resistance:
The Case of Library and Archives Canada

By Tami Oliphant and Michael B. McNally

OTTOWA LIBRARY. COURTESY LIBRARY OF CONGRESS

In 2004, Canada was the first country in the world to amalgamate its two main documentary heritage institutions, the National Archives of Canada (established in 1872) and the National Library of Canada (established in 1953) into one institution: Library and Archives Canada (LAC). Later that year, LAC released a discussion paper, *Creating a New Kind of Knowledge Institution,* which outlined its new controversial "modernization" policy: the LAC would be transformed from an institution focused on acquisitions and preservation to one focused on digital access and preservation. This shift in policy was justified by the assumption that new technology would make LAC more cost-efficient while rendering many core services obsolete.

However, "modernization" has brought drastic reductions in number and quality of services, collections, and collaboration. Furthermore, staff has been subject to continual budget cuts, uninspired and controversial leadership, and a draconian employee *Code of Conduct* (LAC, 2010). Ten years after the implementation of the modernization policy, LAC has been unable to fulfill its mandate to "preserve and make accessible Canada's documentary heritage as well as serve as the continuing memory of the Government of Canada and its institutions." Recent events at LAC demonstrate how market logic and rationalization can systemically weaken public institutions by reducing and commercializing services while deprofessionalizing and casualizing the work of professionals.

The ongoing crisis at Library and Archives Canada is part of the governing Conservative Party's attempt to deprofessionalize all federal employees, including scientists, and fulfill an ideological mandate to create the smallest government in Canada in 50 years. Resistance has come from many stakeholders across Canada: historians, researchers, and organizations such as the Association of Canadian Archivists and the Bibliographic Society of Canada. Responses by the Canadian Association of University Teachers (CAUT) and the Canadian Library Association (CLA) are particularly salient. Both are national organizations concerned with access to information and Canada's documentary heritage. In addition, many members of CAUT and CLA themselves work in postsecondary education, libraries, archives, and other institutions where deprofessionalization is an everyday reality. CAUT and CLA responded differently to the crisis at the LAC because they framed the issues in distinct ways.

> *"modernization" has brought drastic reductions in number and quality of services, collections, and collaboration. Furthermore, staff has been subject to continual budget cuts, uninspired and controversial leadership, and a draconian employee Code of Conduct*

The case of LAC is illustrative in two regards. It demonstrates the ongoing precarity of federal employees even in the face of resistance from professional organizations. More importantly, it demonstrates how a neoliberal remaking of one prominent, national institution can weaken entire professions. This article examines that process in detail, and considers two strategies of resistance to the attack on archivists and librarians in Canada.

Trouble at Library and Archives Canada

In the scope of its activities and responsibilities, the former National Archives of Canada was comparable to the United States' National Archives and Records Administration. In the United States, the Library of Congress supports Congressional decision making and serves as a national library for bibliographic materials. In Canada these functions are split, with the Library of Parliament supporting legislative research and decision making, and the National Library of Canada serving as a depository. With the creation of LAC, "Canada is to be served by an institution that is a source of enduring knowledge accessible to all, contributing to the cultural, social and economic advancement of Canada as a free and democratic society," according to the enabling act (Canada, 2012).

In 2009, the conservative government appointed Daniel Caron to head LAC. His appointment and tenure have been controversial. Though he had a master's degree in economics, a doctoral degree in applied human sciences, and extensive experience in the federal government, he lacked any background in either library and information science or archival studies (Library and Archives Canada, 2009).

> *The ongoing crisis at Library and Archives Canada is part of the governing Conservative Party's attempt to deprofessionalize all federal employees, including scientists, and fulfill an ideological mandate to create the smallest government in Canada in 50 years.*

In a 2010 speech Caron suggested that the biggest potential problem facing librarians and archivists was irrelevance, and that technological change threatened the practices and theoretical underpinnings of librarianship and archival science (Caron, 2010). Fears of obsolescence are not new, for these (or other) professions, but Caron's proposed solution was alarming. He suggested that archivists and librarians should converge, thus sharply altering their professional identities. "Information professionals must remake themselves, not simply through peripheral adjustments, but through a complete reinvention" (Caron, 2010). While outsiders' predictions of professional demise often result from a misunderstanding, having *the* National Librarian and Archivist suggest that librarians and archivists reinvent themselves and merge devalues professional knowledge and builds anxiety about

job security. Caron clearly viewed his role in LAC as one of radical restructuring, based on his view that professional expertise can be superseded by technology.

Furthermore, during testimony before a parliamentary committee, Caron suggested that the manual cataloguing of new materials by LAC was outdated, and that the institution could simply rely on information provided by publishers as a justification for drastic cuts in digitization and circulation staff: "Much of this type of work [cataloguing/description] is becoming increasingly unnecessary. That includes the description of archival materials," (Caron, 2012). While publishers provide some description, the quality and consistency of their work is not comparable to that of trained librarians and archivists. Caron's comments demonstrate his lack of familiarity with the core work of both professions, and–given that he speaks as National Librarian and Archivist–threatens their standing.

In early 2013 the controversies focused on a new employee *Code of Conduct*. The 23-page *Code,* which includes a loyalty policy and extensive guidelines on personal activities, became public in March 2013. Officially, the *Code* stems from a management review audit by the Treasury Board Secretariat of Canada (roughly the Canadian equivalent of the Office of Management and Budget in the United States). The audit concluded that LAC should do more to prove its employees were acting in accordance with federal values and ethics statements (LAC, n.d.). However, the *Code*'s reach goes far beyond the Treasury Board's own guidelines for federal public employees (Treasury Board Secretariat, 2011).

The *Code* outlines a duty of loyalty (to the government not the public); conflicts of interest; personal activities (e.g., teaching and speaking at conferences, personal engagements, and political activities); and makes the conflict of interest provisions binding for a full year after an employee leaves LAC (LAC, 2013b). The *Code* identifies teaching or speaking engagements in classrooms and conferences as "high risk," and states that those who lobby, supply, collaborate, or advocate with or for LAC should not engage in those activities. LAC's legal mandate is "to facilitate cooperation among communities involved in the acquisition, preservation, and diffusion of knowledge," but the *Code* severs a basic connection between LAC's librarians and archivists and their professional communities across Canada.

Of special concern is the deep conflict between the *Code* and the professional ethics of LAC employees. Archivists and librarians are governed by well-established professional codes of ethics and principles developed by the American Library Association and the Canadian Library Association over a century of public service. One core principle of librarianship is upholding intellectual freedom, of which the CLA states:

> It is the responsibility of libraries to guarantee and facilitate access to all expressions of knowledge and intellectual activity, including those which some elements of society may consider to be unconventional, unpopular or unacceptable (1985).

This is difficult to reconcile with the LAC *Code*. Librarianship places great value on unfettered access to information, but the *Code* suggests that staff refrain from commenting at all on the actions of the government or LAC in classrooms, conferences, or any social media or other public forum. Critics suggest that the "*Code* is a means for the LAC to undermine professional ethics and identities as a part of a broader attempt by the LAC to deprofessionalize and de-skill its workforce" (Martinello, 2013). Staff are caught in a double-bind. The *Code* makes it impossible for them to guarantee and facilitate access to all expressions of knowledge and information (including government information). Furthermore, LAC employees themselves do not enjoy freedom of expression at their workplace due to the provisos outlined in the *Code*. It deprofessionalizes them in two ways: they are unable to fulfill their obligation to guarantee access to information; and they are unable to express unpopular or unconventional ideas and opinions in their own practice and workplace.

In addition, the *Code* explicitly states that employees have a duty of loyalty to the Government of Canada and its elected officials (read Conservative Party), which extends so far as to recommend that staff exercise caution in

LIBRARY AND ARCHIVES CANADA

expressing personal opinions and making public comments that could damage LAC's reputation (LAC, 2013b). Not only does the *Code* prevent employees from engaging in scholarly discourse and professional engagement, it permeates employees' personal lives and infringes upon their freedom of expression by advocating self-censorship.

Under Caron's leadership, services have withered. The Canadian Genealogy Centre has seen a 40% reduction in service hours, reference services have been reduced from 30 hours a week to by-appointment-only; and in 2012, LAC ceased delivering interlibrary loans to other libraries across Canada (LAC, 2013c). Many of these changes are due to significant budget cuts. In its March 2012 Budget, the Canadian federal government cut the operating budget of LAC by $9.6 million each year for a three-year period as part of its deficit reduction plan. In response, the LAC sent notices to about 20% of its employees advising them that their positions could be eliminated and that they could be laid off. Indeed, 20% of the staff was cut (CAUT, 2012). While funding for the LAC has varied over the past ten

years, staffing levels were relatively constant until the announced budget cuts for the 2012–2013 financial year.

The reduction of services and hours of operation means that conducting research using LAC materials is much more time-consuming and costly. For example, LAC failed for more than two months in 2013 to make 92-year-old census data accessible to the public. When it finally made good on its obligation, it did so in partnership with Ancestry.ca. LAC conceded, "paid access will only be necessary if someone wants the extra convenience of doing advanced searches from home" (LAC, 2013a). The Ancestry.ca deal reflects the significance of the cuts and the ideology driving these changes in a number of ways. The rhetoric used by the LAC--"extra convenience" and "advanced searches from home"--portrays these services as going far beyond what a user should expect. LAC is diminishing user service expectations. In addition, not only was it unable to fulfill its mandate and make 1911 census data available to the public in 2013, it outsourced the work to a for-profit genealogical company. Outsourcing public services to the private sector weakens the professions by narrowing their jurisdictions and implying that the market is the logical source for "extra" services.

> *While Canadian academics currently enjoy greater security than academics in the United States, casualization and deprofessionalization of academic work is occurring in Canada as well.*

Taken together, the *Code of Conduct*, Caron's belief that the library and archival professions should converge, the shedding of core professional work such as cataloguing, all serve to deprofessionalize LAC's staff. Such neoliberal initiatives typify the conservative government's attempts to undermine the federal civil service. More specifically, these actions undermine Canada's library and archival community, the country's primary cultural memory organization.

The numerous shortcomings of LAC have been met with a range of criticisms from historians, researchers, the general public, academics, and professional associations, including a mock funeral in Ottawa to commemorate the death of Canada's heritage, and the Bibliographic Society of Canada's letter-writing campaign to every single member of Parliament. Responses by the Canadian Association of University Teachers and the Canadian Library Association are particularly instructive. They show how two national organizations with vested interests approach the issues of de-skilling, the casualization of labor, and the ideology of market logic. While CAUT strategized a grassroots letter-writing and "Save Library & Archives Canada" campaign, the CLA opted for an Executive Council, top-down "engagement" strategy with the LAC and Canadian government. These different strategies exemplify different conceptions of the fight against deprofessionalization.

The Canadian Library Association

Founded in 1946, the Canadian Library Association is considered the national voice for "Canada's library communities." It represents the interests of academic, public, school, and special libraries. Its mission is to champion library values such as intellectual freedom, diversity, and universal access to library service, publicize the importance of libraries, influence public policy, and collaborate to strengthen the library community (Canadian Library Association, 2013a). Missing from this list is any expression of support for, and advocacy on behalf of, library workers (degreed librarians, library technicians, and other library staff) or the broader library and information professions.

While the Canadian government calls CLA a lobby, CLA does not. Its policy documents describe its lobbying efforts as "advocacy," on a model of influence and engagement. It emphasizes building relationships with elected officials and government bureaucrats and using its influence "not for professional gain, but for the public good" (Moore, 2012a). The use of the term "advocacy" rhetorically distances the CLA from political positions on labor. For example, during a strike at the library and archives at the University of Western Ontario, CLA refused to support striking workers, explaining, "As the Canadian Library Association, we count both libraries and all those who work in libraries as members. We cannot and will not indicate support for one side over another in the case of dispute or strike" (Lockhart, 2012). Similarly, the CLA declined to take a position on behalf of professional librarians and archivists in their dealings with the government, throughout the LAC crisis.

The Canadian Association of University Teachers

By contrast, from its inception in 1951, the Canadian Association of University Teachers has been ". . . the national voice for . . . 68,000 teachers, librarians, researchers, general staff and other academic professionals." CAUT supports collective bargaining and "actively advances" the social and economic interests of its members. Private universities are uncommon in Canada and there is no "accreditation body" that oversees universities. Canadian universities are governed by provincial and territorial legislatures and the majority of funding for postsecondary education comes from provincial and territorial governments. Within this context a strong, national voice such as CAUT is essential.

In addition, while Canadian academics currently enjoy greater security than academics in the United States, casualization and deprofessionalization of academic work is occurring in Canada as well. CAUT has broadly resisted it. Changes at LAC fall under CAUT's mandate to support researchers, advance the development of knowledge, and protect Canada's documentary heritage.

CAUT and CLA's responses to the LAC crisis

Critiques began in earnest in 2011 in response to LAC service cuts that were launched under the "modernization initiative." In 2011, CAUT published its "Backgrounder" document and launched its "Save Library & Archives" campaign. It called for LAC to restore public services,

"including access to archivists and librarians; access to the general reference collection; and re-establishment of specialist archivist positions" (CAUT, 2011c) and included an online toolkit, letter-writing campaign, and blog documenting changes at LAC and CAUT's interactions with the federal government.

In an open letter to Daniel Caron dated June 27, 2011, CAUT identified many problems at LAC, and included a critique of Caron's background: "it is worth noting that all former National Librarians and National Archivists were trained librarians, historians or recognized writers… Your background in human resource management is a marked departure from this tradition. . . "(CAUT, 2011a). The letter reported on shortcomings at LAC in quality and quantity of service and diminished access. It also made several references to the minutes from the LAC's own Stakeholder Forum in 2010, noting that "the number of employees in the library sciences group at LAC has dropped significantly over the past several years" and that "our sources indicate that the numbers of librarians and archivists in senior management positions at LAC have been significantly reduced" (CAUT, 2011a). From its inception, CAUT's campaign focused as much on casualization of labor and deprofessionalization as on access to materials, acquisitions, and commercialization of services.

CLA President Karen Adams responded that her organization shared some of CAUT's concerns "particularly in the areas of acquisitions and the provision of services by qualified professional staff" but that ultimately the changes at LAC were a reflection of the difficult federal budget situation (Adams, 2011). Despite acknowledging that the changes would affect quality of service and acquisitions and thereby undermine the professional work of librarians and archivists and reduce access to materials by users, CLA reiterated that engaging government officials about these issues was the most pressing concern.

The first official CLA response to the federal budget cuts in 2012 was the most vociferous it would be in its criticism (Adams, 2012b; CLA, 2012b). The letter stated that LAC would be unable to meet the expectations of the library and archival community, noted that the nation's collective memory was at risk, and asked the government to "re-evaluate its spending priorities" (Adams, 2012b). However, merely one month after the letter was sent, the CLA had significantly weakened its criticism. The reasons for its change in tone are not apparent. Its Executive Council now stated that the CLA's strategy would be enhanced engagement, and that it "supports LAC management in making informed choices about the changes they must make in light of their budget restrictions" (CLA, 2012a). CLA had moved from opposing the government's fiscal priorities to accepting the cuts as necessary. In contrast, CAUT's Save LAC campaign renewed criticism of the cuts, especially as they reduced digitization staff.

By late 2012, findings from the CLA's membership survey revealed the internal discord around its "influence" strategy. Anonymized comments from members included statements such as, "It seems that the CLA has not been a strong voice for championing concerns about the new directions of LAC," "I really hope that the CLA will be doing more than just contacting MPs [Members of Parliament]," "I don't feel that CLA has been very vocal about its support of libraries. Too often it seems that the CLA is not willing to take a strong stance," and "My concern is that the CLA is not being assertive enough in regards to LAC, and that the existing efforts have been to try and work with the cuts, rather than to argue against them, or resist them" (CLA, 2012c). Criticism of the influence approach went as far as calling for the resignation of the Executive Council. Karen Adams noted in an editorial that the "perceived failure" of CLA owed to its having chosen "the path of engagement" (Adams, 2012a).

In response to internal criticisms, CLA posted a statement on the controversial *Code of Conduct*, saying that it "restricts unnecessarily the ability of librarians and information professionals to perform key aspects of their work, namely teaching and speaking at conferences and other public engagements. . . and the categorization of those activities as 'high risk,' effectively eliminate the possibility that librarians may engage in essential elements of their work . . . that benefit . . . the greater professional community"… ." (CLA, 2013b). CLA's address to the professional crisis is explicit here. Grassroots efforts of its membership were responsible.

The sudden resignation of Caron in May of 2013, amid allegations of extravagant personal misspending, reinforced the change in CLA's advocacy. It now argued that the incoming LAC head should have either library or archival qualifications (Martinez, 2013). A week later, a "Joint Statement on Qualities of a Successful Librarian and Archivist of Canada," a two-page list of desired qualifications, was sent to the Minister of Canadian Heritage (*Joint Statement*, 2013). CLA endorsed it, along
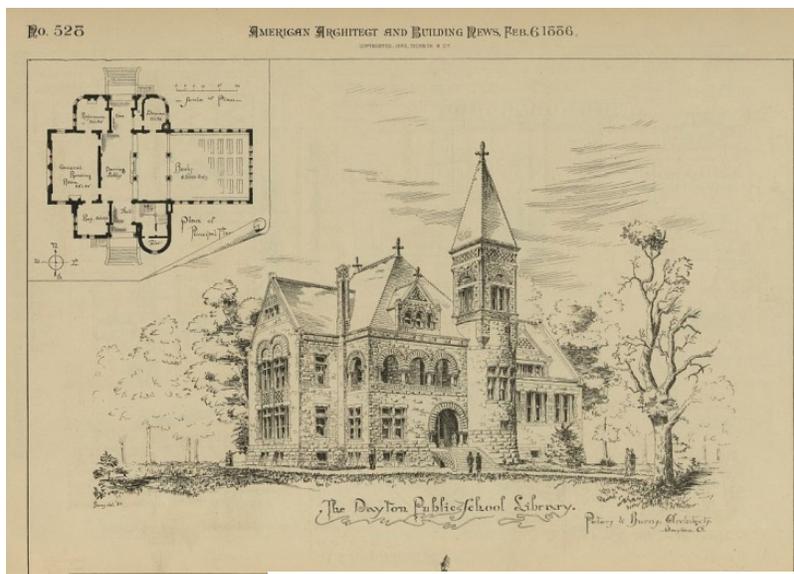
DAYTON PUBLIC LIBRARY, LIBRARY OF CONGRESS

with 18 other cultural memory associations. (CAUT publicized its own list of qualifications.)

The crisis had revealed a crucial problem for CLA's advocacy model: finding the right balance among interests of libraries, the public, and the profession. The influence and engagement approach is appropriate chiefly when librarians are dealing with budget allocations from governments. Furthermore, CLA's professional ethic of upholding intellectual freedom in libraries can be a contentious issue for some stakeholders. But with the exception of its emphasis here on professional credentials, it has continued to support libraries by building relationships with the government and the public. It cannot in this way unequivocally represent professional interests. Some members of CLA clearly want it to take a firmer position on support for libraries and on professional values. Many are frustrated by CLA's refusal to act on behalf of library workers. The crisis at LAC suggests that information professionals in Canada need a national organization focusing on labor.

It is instructive to compare the effectiveness of the resistance strategies of these two organizations. CAUT fulfilled its mandate by strongly advocating for labor, for the profession, and for researchers. The CLA distanced itself from that strategy, and opted for a less confrontational approach. But neither CAUT nor CLA has been able to block the concentrated effort of the federal government to deprofessionalize the federal civil service.

Resisting deprofessionalization

Since the early 1980s neoliberal leaders in Canada (as in many other countries) have launched attacks on public workers. Conservative Prime Minister Stephen Harper has weakened the federal bureaucracy more than any of his predecessors. The attack goes far beyond LAC. A 2013 report by the Professional Institute of the Public Service of Canada, a union representing 60,000 federal employees, notes that of the 4,069 scientists surveyed, 90% feel they cannot speak freely to the media, and 86% fear censure or retaliation were they to do so; 24% of those surveyed have been asked by ministerial staff to alter or suppress information for non-scientific reasons; 71% believe that Canadian policy is being compromised for political purposes. Such similarities across professions are not lost on CAUT, whose 'Get Science Right' campaign is similar to its "Save LAC" campaign (CAUT, 2013).

Unfortunately, the story of librarians and archivists in recent years has many parallels. Late capitalism has put government workers in especially precarious positions as free-market ideology and the rhetoric of small government and efficiency are mobilized in attacks on professional public workers and the public sphere. The LAC story is important in that it highlights the limited impact organizations such as CAUT and CLA groups can have in resisting these attacks. The case of LAC has broad implications. Given its role as the premier cultural memory organization in Canada and the size of its staff (roughly 1,000), the transformation of LAC has strong reverberations throughout the entirety of two professional communities. With LAC unable to serve as the vanguard of

the library and archival professions, it will take time for new national leaders to emerge.

Signs of improvement are not apparent. At the time of this writing, LAC's interim head, Hervé Déry, like his predecessor, is an economist by training, not a librarian or archivist (Akin, 2013). Furthermore, since 2012 more than a dozen federal departmental libraries have been closed including libraries at Citizen and Immigration Canada, The Canadian Revenue Agency, Parks Canada, Department of Fisheries and Oceans, Environment Canada, and Health Canada among others. The government's rationale is that electronic repositories have rendered the libraries unnecessary. While LAC has received some of the material from these libraries, LAC does not have the capacity to collect, preserve, and provide access to it. Thus, much of this material has been destroyed or sent to landfills. The current government has ignored any and all criticisms. New leadership may be able to reverse the professional weakening at LAC, but probably not without a new government. The Canadian people will have a chance to decide that in 2015.

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RADICAL TEACHER

RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

The Sociology of the Professions and the Problem of Journalism Education

By C.W. Anderson

COLUMBIA UNIVERSITY JOURNALISM CLASS. COURTESY OF LIBRARY OF CONGRESS

Several times a week, I stand up in front of a few dozen journalism students to teach them the practices, ethics, laws, and history of a profession which is transforming—some would say collapsing—before our very eyes. These students, enrolled at the College of Staten Island (CSI) (a four year senior college in the City University of New York (CUNY) system) are earnest and eager. Some of them have genuine dreams of becoming journalists, though they do not always entirely understand what that means, at least at first. Most of them are first-generation college students, some of whom (along with their parents) are often deeply concerned with the economic benefits that a college degree can provide.

At CSI, our journalism program is jointly offered between the Media Culture Department, where I teach, and the English Department. Students take two introductory classes (in journalism fundamentals and online journalism) before they graduate into a series of more skills based classes (Broadcast Journalism, Newspaper Journalism, and Advanced Online Journalism). We conclude with a capstone seminar, Journalism and Society, which is usually my class.

By the time we have reached this capstone seminar, my students are excited and eager to enter the world of journalism. As a class, we make our way through the journalistic fundamentals (always, of course, with the internet implicitly or explicitly in mind), discussing how to verify evidence, land an interview, and track down documents of both the paper and digital variety. I spend a lot of time on journalism history, because I think that a genealogical approach to the occupation of newsgathering helps my students understand that the current set of digitally enabled changes in news production is only the latest development in the long history of journalism. For a break, we watch the film *Shattered Glass*, the story of the young fabulist Steven Glass, which I hope will serve as a warning of everything not to do.

And then, at some point, comes the class I dread. The baldest version of the title is "How to Get a Job."

Because the problem is, I don't actually have an answer.

The Current Crisis and the "Profession" of Journalism

The numbers are stark. As documented by the Pew Research Center's *State of the News Media 2013*, "estimates for newspaper newsroom cutbacks in 2012 put the industry down 30% since 2000 and below 40,000 full-time professional employees for the first time since 1978" (Pew 2013, 1). It must be difficult to continue to write the opening sentences of the Pew report every year, because every year since 2006, the news has been basically the same: cuts to personnel, falling advertising revenues, and newspapers closed or merged. At least two major newspapers—the *Detroit Free Press* and the *New Orleans Times-Picayune*—no longer print news 7 days a week. And it is nearly as bad in the world of television news; "on local

TV . . . sports, weather and traffic now account on average for 40% of the content produced on the newscasts studied while story lengths shrink. On CNN, the cable channel that has branded itself around deep reporting, produced story packages were cut nearly in half from 2007 to 2012" (1).

There have been signs, of late, that at least a few of the most elite newspapers are having success with a "paywall" or "metered" model, in which readers get a certain number of online news articles for free and then must subscribe to access the rest. For the first time in decades, the *New York Times* made more money from readers in 2012 than it did from advertisers. But even at these prestige papers, the ability to charge for content is largely seen as a way to stabilize reporting capacity rather than grow it. It is unlikely that local and regional newspapers will use any success they have at launching paywalls to re-invest in hiring large numbers of reporters.

Even before this current "crisis in journalism"—brought about by the collapse in newspaper business models, the impact of digital technologies, and the reluctance of journalists to change their occupational self-image to meet new work realities—the idea of educating journalists as professional workers was controversial. Needless to say, under present circumstances, it still is. In essence, many people, scholars included, doubt whether journalism is a profession at all. And because it operates under such a complex and contradictory set of macro-sociological influences (Schudson and Anderson, 2008), journalism is actually a good case study through which to understand the working out of occupational discourses in times of rapid economic and cultural change and widespread professional delegitimation.

> *Even before this current "crisis in journalism"—brought about by the collapse in newspaper business models, the impact of digital technologies, and the reluctance of journalists to change their occupational self-image to meet new work realities—the idea of educating journalists as professional workers was controversial.*

So why has journalism failed to become what most sociologists recognize as a true profession? Or perhaps in slightly less categorical terms, why has journalism's "professional project," its attempt to establish what Andrew Abbott calls "professional jurisdiction" over a particular set of occupational tasks, largely failed? (Abbott, 1993). For comparison's sake, let us briefly discuss a classic example of a more authoritative profession—the law. At the core of the legal profession lies an educational process, a form of certification that occurs through the granting of the Juris Doctor (J.D.) degree, and the more formal mechanism of

bar certification. At the core of the law, in other words, we see both the creation and negotiation of legal expertise (defined rhetorically through educational curricula and culturally through training in a certain style or mode of thought) as well as the erection of a boundary line between lawyers and non-lawyers (i.e., those without the necessary degrees and who have not been admitted to the bar). Even in the law, however, the processes by which an occupation makes itself into a profession are not quite that simple. The very acting out of legal knowledge in day-to-day work, far from both the classroom and the bar examiner's office, itself helps define legal expertise. At the same time, the relationship between lawyers and various non-core occupational groups—between lawyers and paralegals; corporate accountants and transactional attorneys; legal professionals and other experts of various kinds (for example, so-called expert witnesses); and, increasingly, between firm and contract attorneys (in effect, legal temp work) —help make the borderline between the inside and the outside of the profession less a sharp line than a fuzzy boundary zone.

And in journalism, which is far less of an authoritative and traditional profession than the law, matters are worse. Lacking, as it does, the strong core professional advantages of a field like the law—without a clearly defined educational curriculum or even distinct pedagogically enforced style of thought, and, even more importantly, barred by the First Amendment from instituting a formal licensing mechanism—journalism is largely reliant upon *only* peripheral boundary work. Journalistic expertise, in other words, is almost always defined on the job. Further, the lack of a clear occupational boundary marker within the core of journalism makes the negotiations between journalists and their competitors—sources, public relations executives, campaign communications staffers, freelance writers, bloggers, etc.—both more important for definitional purposes and incredibly problematic at the same time. If the legal occupation can be thought of as a solid core of professionalism surrounded by a thin border zone, journalism might be viewed as almost entirely border zone.

In short, despite its position as the one of the most important occupations engaged in the collection and dissemination of publicly relevant information, journalism has failed to achieve what Abbott calls "a claim of jurisdiction . . . [in which] a profession asks society to recognize its cognitive structure through exclusive rights" (59). If journalism is, as its practitioners and theorists

WRITING NEWS BROADCAST FOR THE SCHOOLS. LIBRARY OF CONGRESS

often aver, the attempt to provide citizens with the information they need to be free and self-governing, then the knowledge-object over which journalism attempts to lay claim is the unique and privileged ability to recognize, gather, analyze, and convey this information. But an analysis of the self-conception of many journalism educational programs demonstrates that both teachers and students often explicitly deny the existence of any sort of abstract, expert knowledge upon which reporters might base their professional claims. The leading paradigm of professional journalism education, in fact, has taken great pains to emphasize its lack of expertise and its use of a simple shoe leather methodology. The dominant notion of journalism education as imparting a craft, rather than an intellectual pedagogy through which reporters are trained to gain access to truth, renders ultimately suspect any straightforward sociological narrative of jurisdictional competition. The basic pedagogy of journalism education differs from school to school, and there is no widely accepted central body of knowledge to which most journalism students orient themselves. The core requirements and sequencing of many journalism programs vary widely. Some schools emphasize more analytical approaches, others emphasize a case study approach, and others are oriented entirely towards skill training. Still others focus on presenting the history, ethics, and laws of journalism in their broader context. In essence, the actions of professional schools and of educators both reflect and reinforce journalism's complex relationship with the entire concept of professionalism.

So how does the revolution in journalistic production and economics relate to this tenuous professional project? The link between the two is empirically oblique but important because one crisis (the economic) is often seen as causing the other (the professional). The collapse of the commercial news industry—the crisis in news—is simultaneously an economic crisis, exacerbated by a technological crisis, which has been often confused with a crisis of professionalism and occupational authority. The advertising market, through which the news business, for most of the 20th century, achieved record profits, has been almost completely transformed. The expansion in the number of digital media outlets online has shattered newspaper's ability to set monopoly prices, as has the ability of product and service to go directly to the consumer without an intermediary. And the availability of increasingly granular data on user response to advertising online has fundamentally
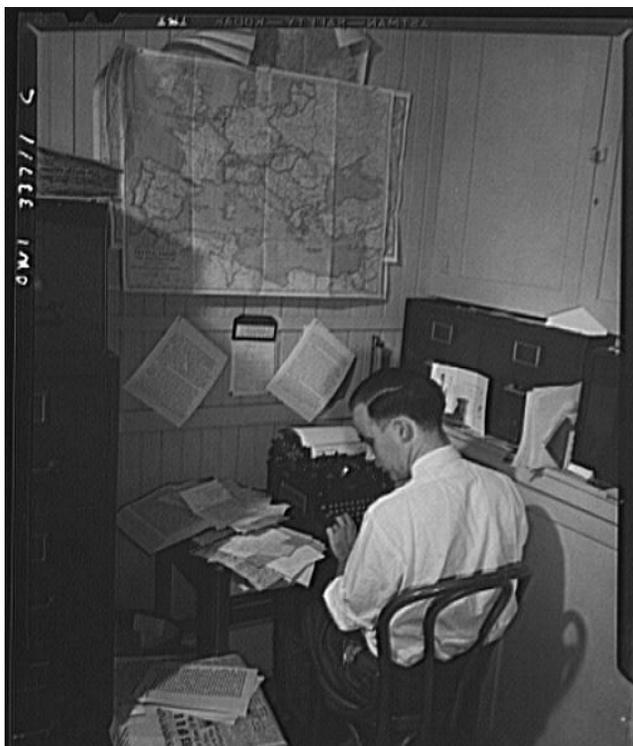
transformed John Wanamaker's old adage that "half the money I spend on advertising is wasted; the trouble is I don't know which half." Many companies now know which half is wasted; even worse, they know the amount of money wasted on pre-digital advertising was far more than fifty percent.

So the crisis in news is mostly an advertising crisis. Why should this cause a journalistic crisis of confidence, even within a weakly institutionalized field? What do declining ad rates have to do with occupational self-doubt? Setting aside the loss of jobs and the decline in what Len Downie and Michael Schudson have called local "accountability journalism" (Downie and Schudson, 2009), the problem is that the digital advertising collapse has also coincided with the sudden ability of ordinary citizens to take up (even if they are far from taking over) many of the functions formerly monopolized by journalists. In addition to the voices on the op-ed page, there are literally thousands of people opining about current events for fun and (occasionally) profit. Deep subject matter experts, who used to rely on journalists to transmit their thoughts and knowledge to the broader public, now have their own venues through which to communicate; for those experts who can write well, this is a real boon. And finally ordinary citizens, armed with smart phone technology, now usually serve as the first source of information about rapidly unfolding, unplanned news events like natural disasters or terrorist attacks. In many ways, the partial democratization of journalistic functions has only an oblique relationship with the larger macro-level advertising collapse. But, the two trends are often confused, which, to return to our opening observation, has only increased the difficulty for journalism schools in figuring out what to teach their students.

In the 21st century world, the unwieldy concept of journalistic professionalism that educational programs and occupational cultures once served is thus under sustained attack from a variety of forces. And in many ways, journalism and journalism education are far more vulnerable than ever before. But in other ways, could it be possible that journalism's odd professional status gives its practitioners, and those who teach those practitioners in American institutions of higher education, room to experiment and adapt? How are journalism schools responding to the current crisis? How has journalism's largely unsuccessful professionalization project limited journalism schools? And how has the strange nature of journalistic professionalism potentially (if ironically) opened up avenues for new thinking about the role of the professions in a digital age?

The Current Crisis and the Problematic Response

For an educational system whose primary function has been to pump graduates into more or less secure, stable employment, this crisis in journalism has obviously caused a crisis in pedagogical rhetoric, and increasingly in the practices of j-schools themselves. J-school was once controversial on an intellectual and philosophical level; now, given the decline of the industry, it is even more vulnerable from an economic standpoint. Media critics, like Michael Wolff at *Vanity Fair*, called 21st century journalism

schools "notorious [for] for taking students' or their parents' money to train them for a livelihood that it reasonably can predict will not exist."

In general, the journalism education industry has reacted in two complementary ways to the triple crisis of economic disruption, technological disruption, and a decline in cultural authority (Ryfe and Messing, 2013). Some have argued that journalism schools ought to turn themselves into "teaching hospitals" in order to better marry communications research with industry practice. Other have contended that journalism schools need to become entrepreneurial incubators, teaching their students that the only certainty in the news industry right now is uncertainty and that students must be prepared to live in a period of extended employment limbo and even create their own careers and news institutions. But as we will see below, both of these solutions require us to embrace some dubious practical and normative tradeoffs, and neither really grapples with the historic and current challenges to journalistic professionalism.

The Teaching Hospital

In many ways, the arguments for journalism schools to turn themselves into the functional equivalent of teaching hospitals is simply putting a new label on a practice that has existed in j-schools for over a century. Here is how Eric Newton of the Knight Foundation, one of the strongest proponents of the teaching hospital model, describes the idea: "a model of learning-by-doing that includes college students, professors and professionals working together under one 'digital roof' for the benefit of a community. Student journalists provide news and engage the community in innovative ways. Top professionals support and guide them. Good researchers help design and study their experiments" (Ellis, 2013).

In other words, the notion of journalism school as a teaching hospital argues in part that deficits in community news production will be made up through the work of students and academic faculty. Journalism schools, housed at relatively stable community anchor institutions like universities, have the capacity to regularly produce the kind of relevant news that is being abandoned as newspapers shrink and business models collapse.

The problem with this solution is not only that it places the burden of informing the local public on students who are often untrained and on professors who may specialize in other, more esoteric subjects, but it also puts some of the most important production of information in our democracy on the backs of students to do for free or close to free. Criticisms of the exploitation of student labor can be increasingly heard with regard to these unpaid internships. Recently, the investigative news outlet Pro Publica caused a furor when it reported "at Medill, students pay $15,040 in quarterly tuition for the privilege of working full-time jobs as unpaid interns." (Pro Publica, 2013). Students briefly working unpaid internships on their way to more or less stable secure careers might not cause a furor; but part of the backlash against unpaid university-based newswork lies in the fact that such jobs no longer exist. Under the cover of the public good, and in response to the very real declines in reporting capacities at a variety of

local and regional news organizations, journalism schools and the journalism profession itself risk buying into a system in which cultural labor is irregular, uncertain, and does not come with any guarantee of eventual employment. It is one thing when this change is endorsed by profit seeking news organizations; it is even worse, perhaps, when public and public-oriented universities make it the center of their curricular reform efforts.

To summarize, while there are many surface benefits to the teaching hospital concept, the changes it recommends accept the current decline in powerful journalistic anchor-institutions as a given and loads much of the work once performed by paid professionals and centralized institutions onto journalism students and faculty. This then takes us to a second possible path forward for journalism education: the entrepreneurial journalism program.

Entrepreneurialism and its Critics

What is entrepreneurial journalism? As we will see below, the term is notoriously undefined, functioning more as a catchall label than a fully fleshed out ideal. The most succinct definition comes from a program within my own university system, the CUNY Graduate School of Journalism. "Our goal," reads the website for the entrepreneurial journalism program, which is a special division within the larger overall school, "is to help create a sustainable future for quality journalism. We believe that the future will be shaped by entrepreneurs who develop new business models and innovative projects – either working on their own, with startups, or within traditional media companies."

JOURNALISM TEACHER ENTERTAINING MEMBERS OF THE HIGH SCHOOL NEWSPAPER. LIBRARY OF CONGRESS

The problem is that such a definition does not say very much, and can often obscure more than it reveals. Indeed, as NYU sociologists Caitlin Petre and Max Besbris have pointed out in their semi-structured in-depth interviews with over 120 journalism school professionals (JSPs), the phrase "entrepreneurial journalism" carries within it at least three distinct meanings. "The first sense is a literal one," they write. "Some JSP believe that journalism graduates must invent their own jobs, often by starting their own companies, since 'traditional' media jobs are no longer available." The second idea of entrepreneurial is one that is less concerned with starting a new business, and more concerned with branding and promoting one's own identity and journalism in the marketplace. "The final sense in which entrepreneurial is used is more nebulous," Petre and Besbris conclude. "Essentially it is a catchall term referring to a particular type of disposition: a student who is boundlessly energetic, game, and highly adaptable. It also means being willing and able to accept working

conditions that are unstable, poorly paid, and without benefits" (Petre and Besbris 2013).

Gina Neff, in her recent work on venture labor in the book of the same name, demonstrates that these three different uses of "entrepreneurial" are far from contradictory; indeed, they all stem from a basic shift in the social structures of work. Neff defines venture labor as "the explicit expression of entrepreneurial values by nonentrepreneurs," and argues that the adoption of this entrepreneurial mindset is a rational response to larger changes in workplace security. It is thus not surprising that this shift would be manifesting itself within the journalism education industry at a time when the larger industry journalism schools serve is teetering on the brink of collapse (Neff, 2013: 16).

Venture labor, Neff argues, is the product of larger macro-level economic changes, not the cause of them, and while Neff does not go so far as to call the venture labor mindset "false consciousness," she does make the argument that the dynamics of venture labor's relationship to capital are roughly comparable to the dynamics observed in the traditional forms of Marxist labor theory – the appropriation of surplus value (or in this case, of surplus venture labor) by capital.

Both responses of journalism school educators and administrators—the idea of the teaching hospital and the adoption of the entrepreneurial mindset—run the risk of simply adjusting journalism school to the new and exploitative realities that now dominate the journalism industry. Given that journalism schools have *always* catered to the needs of the news industry, this shift is not really a surprise. But it does put educators in the awkward position of simply continuing on the path we have always trodden, to train our graduates for careers that have grown even more precarious and exploitative in the past twenty years. What is worse, neither entrepreneurial journalism nor the teaching hospital model really addresses the professionalization challenge—the fact that the value of journalistic professionalism is ever more in doubt as technologies democratize access to media production.

Journalism and the Liberal Arts Tradition

And so I stand in front of my students and ask myself—what to tell them? What sort of future paths should they explore?

The answers to those questions require journalism teachers to face up to the cultural dilemmas wrought by technological change as much as they do the economic and

business model challenges. We must answer, in other words, the question of what journalism education is for as much as we try to answer the question of how to get a journalism job. To answer this first question we must make four pedagogical adjustments in tandem. First, we ought to embrace the notion that many of our students will be reporters at some point in their lives, even if few of them ever become working journalists in the traditional sense. This should lead to us taking a second step, which would be to focus our teaching on questions of media production literacy. Third, we ought to encourage our students to honestly assess the plusses and minuses of the classic models of journalistic professionalism. All these steps are grounded in the fourth shift, which basically amounts to a rethinking of the relationship of journalism and the liberal arts. All of these steps, in other words, involve reframing the study of journalism as a form of critical education that can help both ordinary citizens as well as prospective journalists navigate the world of the 21st century.

Even before this current "crisis in journalism"—brought about by the collapse in newspaper business models, the impact of digital technologies, and the reluctance of journalists to change their occupational self-image to meet new work realities—the idea of educating journalists as professional workers was controversial. Journalism schools should thus take a more proactive role in educating students and citizens on issues of media literacy. In a report to the FCC in the summer of 2010, the deans at twelve leading journalism schools went so far as to argue that journalism schools should educate the populace in "read-write" media literacy; they should teach citizens how to not only intelligently consume information but also how to produce it. If we are all going to be reporters at least once in our lives, we all should learn at least the basics of how to properly produce news about current events. And understanding how news gets made can, of course, help us all become more savvy news consumers as well. In doing so, we will inevitably need to take a hard, historically informed look at what exactly journalistic professionalism is, what practices it encourages, and what alternatives to the current governing understanding of mainstream journalistic professionalism now exist. We do this, not to deny that journalistic work includes room for the reporter-as-expert, but rather to problematize the notion of an elite journalistic class that exists to report the news for a unified and homogenous public. By embracing a critical approach to the journalism profession we can create a more self-reflexive mindset for those journalists ambitious, lucky, or talented enough to find professional jobs. Rather than using professional school as a mechanism for instilling occupational ideology, we ought to use professionally-inclined journalism programs to critique their very own, seemingly practical lessons.

If these changes were made, would there still be any point in calling something "journalism school"? Would students ever enter a program of media literacy education without the carrot of a career dangling in front of them? I think they would – though many of them would probably be signing up for j-school for different reasons than our current crop of students. One of the ironies of the current journalistic moment is that the enrollment in j-school has

actually held fairly steady over the past decade; until 2011, enrollment actually increased, and even after a drop in 2011, there were more minority students studying in journalism and mass communication programs than ever before (Becker, Vlad, and Kalpen, 2012). While the recent decline surely does represent a worrying trend for educators, it is also reasonable to assume that at least some of the recent enrollment growth in media and journalism programs has been driven by the sense that, to truly understand the modern world, it is important to understand the operation of the media, as well as the manner in which that media is produced.

By treating journalism education as a *general* course of study in media production, as well as a form of critical engagement with our ever more mediated world, we teachers will be doing "triple duty." We will be grappling with the genuine desire on the part of our students to understand and partake in the symbolic construction practices of the 21st century. We will be educating the part-time or momentary journalist-- the citizen who occasionally, but not always, engages in media production or dissemination of information of great public import. And finally, we will be equipping the smaller but by no means intellectually diminished crop of full-time journalists with the set of new and traditional skills that are increasingly required of them in the rapidly shifting job market.

In short, we might be returning journalism education to a central place within the liberal arts tradition that has formed the backbone of the American education system since the late 19th century. There is little doubt that this tradition is itself under threat, as numerous scholars and academic professionals have documented with increasing alarm. But as abilities to engage in a variety of forms of cultural, communicative production have become diffused ever more widely throughout society, we need to fuse the rigor of professional communication education with some critical reflection on the ideologies at work within that communication process. We have all, in other words, bought into the media production system whether we like it or not. Only if we teach our students how to live and create within that system can we have any hope of turning the slow, steady decline of professional journalism into something that benefits society, rather than simply something that diminishes it.

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RADICAL TEACHER

## A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

Teaching the Professions

By Jeffrey J. Williams

One of every five employed Americans is a professional. According to the U. S. Bureau of Labor Statistics, there are about 31,000,000 Americans who work in "Professional and related occupations"—22% of those employed and 10% of the general population. That vies with "Sales and office occupations," enlisting 33,000,000, as the predominant occupational category as of 2011, and exceeds "Service occupations" (25,000,000), "Production, transport, and moving occupations" (16,500,000), and "Management" (15,000,000). Even though professions no longer assure a secure career as they once had, professionals are not declining in number, and, conjoined under the general heading "Management, professional, and related occupations," the professional-managerial class (PMC), as Barbara and John Ehrenreich once labeled it, is the largest segment of American labor, with 52,000,000, or over 37% of those employed.

LIBRARY OF CONGRESS

Through the nineteenth century, the overwhelming majority of Americans worked in agriculture, and professionals were relatively rare. Educational and other professionals first appear in census data in 1850, numbering about 330,000, or 2.5% of those employed, with most people—4,900,000 or 64%—still working on farms. Most professions formalized their training and organizational structures during the later decades of the century, and by 1900 there were about 1,160,000 professionals (3.9% of those employed). They continued their rise over the next century, to 7.7% of the workforce in 1940, about 10% by 1955, over 15% by 1970, and over 20% by 1990. The twentieth century was the century of the professional.*
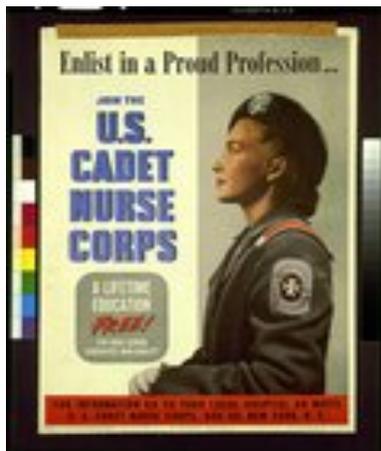
The central conduit into professions since the late nineteenth century has been higher education. The rise of professions coincides with the rise of the university in the United States. About 4% of the population had attended in 1900. The figure is 70% now; 30% have completed four years. There is some range in the Bureau of Labor Statistics category of professionals: it includes what we might consider beta professions, such as registered nurses and school teachers, along with alpha professions, like doctors and college professors. (Nurses' aides or dental assistants, however, are in the category of "Service occupations," and police and firemen fall into a subsection of "Protective services.") But the characteristic that links them is that they almost universally require a bachelor's degree and often a master's or other advanced degree, sometimes culminating with a test or other mode of inaugural accreditation (for instance, registered nurses need four-year degrees as well as licenses, and even the humble profession of school teacher in most states requires a master's within five years of graduation). Higher education, particularly an advanced degree, usually separates the professionals from the non-professionals.

If we teach in a college or university, most of the students in front of us are there to become professionals and managers, whether doctors or nurses, engineers or information systems managers, accountants or school administrators. To confront their world and ours, I think that we should "teach the professions."

Teaching in an English department, I have developed a course called Narratives of the Professions that combines the basic frame of a literature survey with the history and sociology of professions, and I would like to tell you about

it here. I have taught versions of the course at both state (the University of Missouri) and private universities (Carnegie Mellon), and at the undergraduate and graduate levels. While I concentrate on novels, I think one can teach a variant of this course in other disciplines, like history, sociology, or even business, combining a range of texts and information that compose a picture of the professions. Given the squeeze on professional jobs as well as the ambitions of our students, I think the course is especially germane now. It gives students equipment to understand the history and theory of professions as well as, more generally, the development of contemporary capitalism and our class system. When we think of teaching about class, we usually think about the working class, but this course provides another window onto class—indeed, the predominant class segment in the present United States.

The figure of the professional looms over contemporary American culture, in fiction, film, television, talk radio, news reporting, and advertising. The professional emerged as a significant figure in the Anglo-American novel from the mid-nineteenth century on. The characters that people the early British novel are typically gentry, like Lady Booby in Henry Fielding's *Joseph Andrews* or Emma Woodhouse in Jane Austen's *Emma*, with yeoman farmers and servants in supporting roles. They usually inhabit the country and an agriculturally-oriented world. If there are professionals, they generally take the traditional role of clergy or military officers and serve at the bidding of the aristocracy or come from the aristocracy. By the second half of the nineteenth century, the main characters began shifting from gentry to shopkeepers, merchants, and professionals like doctors and lawyers, their position determined not by heredity, which is Joseph's and Emma's story, or aristocratic proximity, but by professional or mercantile status. They often inhabit growing towns or cities that swelled with the rise of industrialism. Professions carry a residual aristocratic ethos, but in the latter half of the century they became more formalized, requiring education, and professionals attain their standing through their work more than through position.

In Narratives of the Professions, I select novels from Anne Brontë to Dave Eggers that foreground characters who work, or aim to work, as professionals. Given its span, the course can serve to cover the latter half of the history of the novel, from Victorian to contemporary fiction. When I first started teaching it at Missouri in the late 1990s, I basically adapted it to a standard survey for English majors, in part because it gave the course a more coherent thematic thread than the usual parade of texts. (I have also added units on professionalism to theory surveys, which helped explain the post-World War II rise of criticism and theory.) Since then, I have expanded the history and sociological theory so that it is not just a sideline but essential to understanding the culture of the fiction. (It probably helped that I had moved to Carnegie Mellon, where we have a large MA program and I teach a good number of graduate seminars, so it is not unusual to read theory with novels. I have also used it in "special topics" humanities courses, and it seems to interest students from outside English as well as majors.) At present, I organize the course in three sections, according with the history of

professions as well as the periods of the fiction: (1) the emergence of the professions in the mid-nineteenth century; (2) the formalization of professions in the modern period; and (3) the ambivalence toward and insecurity of professions in the contemporary moment.

Sometimes I start with historical readings to set out context and I usually assign the novels in chronological order, but of late I have happened upon an opening gambit that seems to work well, assigning Kazuo Ishiguro's 1988 novel *The Remains of the Day* first. The novel centers on Stevens, a butler in a British country house, who might seem an unlikely representative of a professional, but the word "profession" or "professional" occurs nearly 100 times in 240 pages and the novel is rife with Stevens' reflections on professionalism. It thus provides a good catalyst to discussion about what it means to be a professional—whether he is one, the ambiguities of the term (to act professionally as opposed to belonging to a recognized profession), the training and credentialing required to attain professional standing, and the commitment to a calling. Set in midcentury, *Remains of the Day* exemplifies the transition to modern professionalism, with Stevens archaically maintaining aristocratic manners and wistfully remembering the heyday of the old regime, which has fallen away after World War II, supplanted by the more rationalized and meritocratic American system.

In addition, either during the first class session or due for the second, I have students write a short, informal paper giving their definition of a professional. I expressly ask them not to read any sources for it, just present their unadorned view. These papers provide a baseline to start with, and I save them to hand back at the end of the term so we can see how students have changed, or not changed, their views. Though they might apologize for their lack of knowledge, students typically cover key attributes—that professions assume special knowledge, training, exams, and licenses or other credentials—and less flattering ideas, for instance that they form monopolies or that they evoke snobbism. Also, they bring up the fuzzy boundaries of professions—that one might call a cop a professional, or a prostitute—and that it simply means being paid, as when athletes go professional, or that it often connotes a manner rather than an occupation, as when we use it as an adjective and say a barista at Starbucks has a professional attitude. In the first or second class, I then outline their responses on the board in a spectrum from most technical to the fuzziest, and this gives us a kind of map to work with, so we can place *Remains of the Day* and subsequent readings on it, as well as see how historical and theoretical readings align with their views.
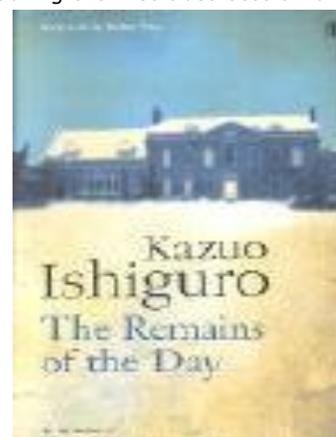
The next step is readings on the history of the professions, from their roots in medieval guilds and clerical orders to twentieth century bureaucracies, to provide some hard facts before students read more fiction. I also use readings that compare professions in England, France, and the Unites States, for instance showing how the American system was more haphazard whereas the French system has been more centralized from the Napoleonic era on. One text I find particularly useful and take selections from is Paul Starr's *The Social Transformation of American Medicine: The Rise of a Sovereign Profession and the Making of a Vast Industry*, which recounts the development of medicine in the United States, from disorganization and hucksterism in the nineteenth century, to a more scientific basis and formalization in the twentieth and corporate bureaucracy by the end of the century. It furnishes a prototype of the trajectory of professions in the United States. (See the appendix for other examples of histories and theories.)

> **As a counterpoint to Dr. Thorne, I might also assign Anne Brontë's Agnes Grey (1847), which shows the possibilities for women in the same era. The main character, Agnes, is a governess, one of the few career paths open to educated women, and depicts the unpleasant tasks she has to do in her tenuous role between servant and professional.**

Following up from the history, I might choose one or two novels that stage the emergence of the professions. One I have found useful is Anthony Trollope's *Dr. Thorne* (1858), the third in Trollope's "Chronicles of Barsetshire." Students sometimes complain about its length—500 pages—but it presents a good way to talk about the conventions of the Victorian novel, as well as the emergence of modern professions. At the beginning of the nineteenth century in England, medicine encompassed disparate groups of practitioners, such as apothecaries, surgeons, midwives, and physicians, without any overarching structure or much oversight. The British Medical Association (BMA) was founded in 1832, but it was not until the Medical Registration Act of 1858, the year of publication of *Dr. Thorne*, that surgeons, apothecaries, and physicians became a single professional cohort. The novel shows some of the unevenness of medicine in the era, as competing doctors adhere to outmoded practices (the aptly named Dr. Fillgrave, for instance, frequently jeopardizes his patients with draughts he prescribes), whereas Dr. Thorne, the hero, advocates following scientific developments and thus suggests the new professional on the horizon.

As a counterpoint to *Dr. Thorne*, I might also assign Anne Brontë's *Agnes Grey* (1847), which shows the possibilities for women in the same era. The main character, Agnes, is a governess, one of the few career

paths open to educated women, and depicts the unpleasant tasks she has to do in her tenuous role between servant and professional. The novel concludes with Agnes opening a school, demonstrating the shift from services performed primarily by family in the home, to services performed outside the home, in formal institutions, which in turn call for the expansion of the professions—with women staffing the beta, "caring" professions, like teaching and nursing, which at this point required little formal training. It also shows the path to independence that professions offer, and that Agnes and her mother attain at the end. There are of course a number of other novels one might choose—for instance, Dickens' *Bleak House* (1853) or Charlotte Brontë's *The Professor* (1857)—but I like how *Agnes Grey* illustrates this alternative early history of beta professions.

> **The next step is readings on the history of the professions, from their roots in medieval guilds and clerical orders to twentieth century bureaucracies, to provide some hard facts before students read more fiction.**

The standard plan of literature courses, certainly of most courses I took, is a march of a novel or similar text per week. But I have become more committed to interweaving historical and theoretical readings, as I mentioned, to build our sense of the topic and also simply to alternate the pacing. One other thing that I have experimented with and strongly advocate is building presentations of short papers into the course, and requiring short papers. The customary requirement of a course, especially a graduate seminar, is a long research paper due at the end, but I have moved away from that model and have students write two or three short papers during the term, building to one slightly longer final one. It is unrealistic to expect a student to write several article-length papers each semester (very few professors write this much, so why would it be an expectation for students?). Also, I find shorter papers more useful, amenable to presentation and to distribution, integrating students' research into the semester. For presentations, I set aside an entire class or block of classes. I used to schedule them at the end of class time, but I realized that, if someone had a paper due, they might not have read the assigned work, or if they had, their head was in the paper they just scrambled to write. From the audience side, class was usually winding down and the presentations seemed tacked on. So I prompt students to stage a mini-conference, asking them to organize themselves on panels. I use these conferences to conclude each section, which creates a kind of pause between acts as well as emphasizing students' writing as a full-fledged part of the class.

MRS. ESTHER MORRIS,
FIRST WOMAN JUDGE IN
WYOMING TERRITORY.
LIBRARY OF CONGRESS

For the first paper, I have students research a historical or sociological account of one profession, so their papers add up to a patchwork survey. I have had students write on the usual suspects like medical doctors or lawyers, less expected professionals like librarians or accountants, ambiguous ones like journalists, politicians, and sports players, and demi-professionals, like prostitutes and police. Undergraduates are often fascinated with demi-professions, but seem to see professions from a distance, as still somewhat imaginary. Graduate students tend to see them as nearer and gravitate to those that relate to their scholarly interests. For instance, one grad student interested in drama researched the history of acting as a formal profession in the United States, from its sidelong status to the current Actors Guild. One Eastern European student told the story of "state professions" in the Soviet Union, and an Indian student reported on castes and professions in India. Several feminist students have recounted the history of midwives. And a number of students have been interested in literary professionals, such as artists, authors, journalists, and academics.

NEGRO PROFESSIONAL IN
NEW YORK, 1942. LIBRARY
OF CONGRESS

The second section of the course focuses on the establishment of the professions during the late nineteenth and early twentieth century. To provide some framing, I might start with readings on the theory of professions, largely from sociology, analyzing the structural features of and differences among professions that take hold in this period. One text I find essential is Magali Sarfatti Larson's classic *The Rise of Professionalism: A Sociological Analysis*, which schematizes how professions work: by attributing a need, by establishing a body of knowledge, by claiming a disinterested and altruistic purpose (a calling), and by credentialing those who can fulfill that need, thus gaining a monopoly on serving that need. We also read revisionary views, such as Andrew Abbott's, which focuses on the ways

that professions negotiate their jurisdictions—say, how doctors take the jurisdiction of prescribing treatment, but have ceded the actual administering of most treatment to nurses.

A number of modern novels foreground the new professionals, and one I use is Joseph Conrad's *Heart of Darkness*, which received a great many interpretations in the 1950s and 60s about the descent into the subconscious or evil, and in the 1980s and 90s about colonialism and imperialism. Those are undeniable elements of the novel, but if we look at it in terms of class, it represents if not allegorizes the rising professions. This explains an odd feature of the narrative: other than Marlow, most of its characters are unnamed, or rather only named by their professional positions. For instance, in the frame, the characters include the Lawyer, the Director, and the Captain, who share the same training and respect each other because of their attention to a common calling. Then, in the tale Marlow tells, he privileges not just white characters but professionals. Critics have pointed out how the novel views Africans and women as inferior, but it also tends to ignore common deckhands and even the company executive in the Whited Sepulchre. As in *Lord Jim*, Marlow has a special bond with those who are "one of us," engaged as fellow professionals. For instance, he respects the starched accountant in the jungle because he carries out his professional tasks well, but has contempt for those who are only interested in monetary gain, like the Eldorado Exploring Expedition or the fleshy Englishman who faints on the trail and who remarks he is there "To make money, of course." He also eschews his aunt's assumption that there is a religious or moral motive; rather, he is faithful to the code of his profession and to other professionals, like Kurtz. The crux of the story is that Kurtz has transgressed not imperialism—after all, he gathers extraordinary amounts of ivory—but the code of professionalism.

Other texts that one might use include Thomas Hardy's *Jude the Obscure* (1895), which turns on the negative example of Jude, who shows talent and aspires to a literary education but is thwarted, or Virginia Woolf's *Mrs. Dalloway* (1925), which depicts the professional class in London at the turn of the century, with men becoming doctors, politicians, or colonial administrators, and the women their social managers behind the scenes.

Interwoven with the fiction, I bring in readings that trace the modern evolution of professionals, from what Steven Brint calls, in *In an Age of Experts: The Changing Role of Professionals in Politics and Public Life*, the social trustee model of service to the general public, into the specialized expert, serving a particular field. I always include Barbara and John Ehrenreich's still indispensable "The Professional-Managerial Class," which encapsulates the establishment and medial position of professionals in the twentieth century, between the ruling or owning class and the working class, as well as suggests its ambivalence of a class in-between.

For a second paper and class conference, I ask students to look at cultural images and write on a novel, film, television show, or other representation of a profession. Many choose films or shows about doctors or

Mrs. Dalloway

lawyers, such as *Grey's Anatomy* or *House*, which broadcast the special knowledge of doctors, as well as the pressures of their training. Occasionally students write on racier topics, such as the mafia as profession, in *The Godfather* or *The Sopranos*. Some graduate students choose novels and films on professors, with one student writing a striking paper on the TV show *Community*, that analyzed its medial status—for the teachers in a lesser school, and for the students who aspired to get a degree that would gain an entry into a profession.

From the first two assignments, I ask students to choose one and I compile and photocopy an anthology of their papers, with a cover and a table of contents. This is a trick I learned from composition. It occasionally induces students to roll their eyes, but I find it incredibly effective: students work hard to revise their papers for this modest but real form of publication, and then they have an actual hard copy of the work they and their compeers have done. Otherwise, it seems as if papers are disposable—handed in to the teacher, with a few comments on the page (and those are often unread—how many times have you put out a box of papers and had only a few of them picked up?). The tacit message is that papers are simply for the grade, whereas the presentations and the anthology reinforce that they are neither disposable nor mere tests, but have a use for other people, and also carry an obligation to other people. Their papers become a reference point for the class, and students will refer to them in subsequent discussions, just as they might a scholarly source, remarking "as Amy talked about in her paper…."

The third section of the course brings us up to the present, covering the period after World War II, and I turn to readings that illustrate the ill ease of contemporary professional standing. A selection from Barbara Ehrenreich's *The Fear of Falling: The Inner Life of the Middle Class* updates her idea of the Professional Managerial Class (PMC) and captures not only the structural position but the feeling and deep anxiety of current professional life. Andrew Ross's "The Mental Labor Problem" astutely analyzes "creative class," high tech jobs, that seem to allow freedom but actually colonize one's off-time, and that depart from old models of security to become piecework, perhaps with short-term excitement but without long-term security.

The fiction in the contemporary period tends to express an anxiety about or ambivalence toward professions. For example, contrary to the image of the complacent fifties, Richard Yates's *Revolutionary Road* (1961) stages the protagonist's deep ambivalence toward his job as a new PMC promotions man in New York. More recently, a novel like Helen Fielding's *Bridget Jones's Diary* (1996) documents the life and anxieties of a contemporary media worker. (*Sex and the City* would be another

possibility.) From a different angle, Colson Whitehead's *The Intuitionist* (1999) and *Apex Hides the Hurt* (2006) both portray contemporary permutations of professions—in the former, an elevator inspector, and in the latter, a creative ad-man.

Of late, there has been a wave of novels that depict the disintegration of the PMC dream, such as Dave Egger's *Hologram for the King* (2012), which tells the story of a former bicycle company executive who loses out in the global market. In this segment, I might also assign novels that depict the academic world, such as Sam Lipsyte's *The Ask* (2010), which recounts the story of a failed academic who works in fundraising. The new professional is on precarious footing, contingent on generating money in the new global community. He no longer purveys expertise but works to leverage financial deals. Graduate students in particular respond to this segment, as they worry about jobless fates.

For the third paper, I ask students to write a proposal for a final paper, which can make use of their previous papers but synthesizes history, theory, and image, and which might extend to, say, 5 or so pages for undergrads and 8-10 for grad students. Some of the more ambitious students write comparative histories, for instance on the

contest a century ago between neurology and psychology (psychology won), or tackle large views and critiques of professionalism, such as Anne Witz's *Professions and Patriarchy* or Richard Ohmann's *English in America*. The person who wrote on *Community* did a really good paper on the rise of community college a century ago (spearheaded by Robert Hutchins, who was president of the University of Chicago), leading to the relatively rare depictions of community college in film or TV.
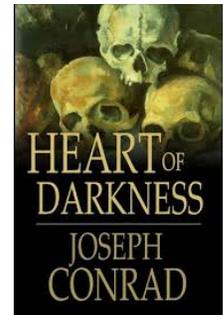
Obviously there are many ways that one could tailor and reshape this course. One could orient it entirely toward American literature, reading, say, Herman Melville's "Bartleby, the Scrivener" (1853), about the rise of office work and the financial sector, Frank Norris's *McTeague* (1899), about an uncredentialed dentist, *Babbitt*, and *Revolutionary Road*, continuing to recent works like *The Intuitionist* and *Hologram for the King*. Or one could orient it to film and television. And one could focus on particular professions—on, say, academics, or on doctors.

The one thing I would not change is the weaving together of history, theory, sociology, and political economy with fiction and other cultural representations. I developed this course in part as a corrective to the way I was taught, either in literature or in theory courses. They generally framed the novel or theory as an autonomous entity, with a self-contained history. Sometimes there was a recommended text, such as Walter Houghton's *The Victorian Frame of Mind* or Gerald Graff's *Professing Literature*, but it was in the foggy "background." To be sure, a straight literary history can help students gain a basic repertoire in literature or theory, but I now try to

construct courses that strive for a genuine synthesis. This is not just to add the exotic spice of interdisciplinary leavening; rather, it is to show how these threads of history, analysis, and representation inherently link together and mutually bear on each other. The rise of the professions is not an adjacent topic but fundamental to modern culture.

In common usage, we often see theory as a "tool." This takes some of the mystique away from theory, but it also deracinates theory. It makes me picture a box of Snap-On automotive tools, so one might grab, say, a deconstructive socket out of the rack and snap it onto one's interpretive wrench. It assumes that theory is interchangeable, without much necessary connection to the object of study other than producing new interpretations. Professionalism is not just an approach that one can snap on to the novel, but has particular relevance to that cultural form, which tends to portray the world of the PMC, and to speak to the PMC as its prime audience. Teaching the professions puts priority on understanding how class is imagined and operates in our culture.

Appendix

Suggested Readings in the History and Sociology of the Professions

History

Burton J. Bledstein, *The Culture of Professionalism: The Middle Class and the Development of Higher Education in America*

Nathan O. Hatch, ed., *The Professions in American History*

Bruce A. Kimball, *The True Professional Ideal in America: A History*

Elliott A. Krause, *Death of the Guilds: Professions, States, and the Advance of Capitalism, 1930 to the Present*

Keith A. Macdonald, *The Sociology of Professions*

Paul Starr, *The Social Transformation of American Medicine: The Rise of a Sovereign Profession and the Making of a Vast Industry.*

Theory

Andrew Abbott, *The System of Professions: An Essay on the Division of Expert Labor*

Steven Brint, *In an Age of Experts: The Changing Role of Professionals in Politics and Public Life*

Barbara and John Ehrenreich, "The Professional-Managerial Class," in *Between Labor and Capital*, ed. Pat Walker

Eliot Freidson, *Professional Powers: A Study of the Institutionalization of Formal Knowledge*

Magali Sarfatti Larson*, The Rise of Professionalism: A Sociological Analysis*

Contemporary

Barbara Ehrenreich, *The Fear of Falling: The Inner Life of the Middle Class*

Andrew Ross, "The Mental Labor Problem," in Ross, *Low Pay, High Profile: The Global Push for Fair Labor*

Richard Florida, *The Rise of the Creative Class*

* These statistics come from "Labor Force Characteristics by Race and Ethnicity, 2011," Report 1036 (Washington, D.C.: U.S. Department of Labor, 2012), particularly Table 8, "Employed people by detailed occupation…," pp. 20ff. They include "civilian non-institutional population 16 years and older"—in other words, excluding those in the military or jail, as well as children. The other main categories are "Natural Resources, construction, and maintenance occupations," with 13,000,000, and, as part of "Management, professional and related occupations," "Business and financial operations," with 6,300,000. I round off to the nearest hundred thousand and adduce the percentages by my own calculation.

The first census was taken in 1820. These numbers come from *Historical Statistics of the United States, 1789-1945*, II (Washington, D.C.: Bureau of the Census, 1949), particularly Series D 1-10, "Labor Force—Persons 10 Years and Over Gainfully Occupied…," p. 63, and D 47-61, "Labor Force—Industrial Distribution of Gainful Workers: 1820-1940," p. 64. Other than agriculture, the major type of work in the nineteenth century was "maker" or "manufacturer," which together constitute nearly half of the categories in the census of that time; see "Revising the Standard Occupational Classification System," Report 929 (Washington, D.C.: Bureau of Labor Statistics, 1999).

I take the percentages after 1940 from Ian D. Wyatt and Daniel E. Hecker, "Occupational Changes During the 20th Century," *Monthly Labor Review* (March 2006), particularly from Chart 2, "Proportion of total employment of professional, technical, and kindred workers, 1910-2000," p. 38 (the review is published by the Department of Labor). As a point of comparison, agricultural workers slowly decreased to about 40% of those employed in 1900, and sharply dropped after World War II, to only 1.6% now.

The expansion of higher education is a familiar fact, but we should also consider that high school as well as college was rare before 1900. Those with high school diplomas rose through the twentieth century, from 13.5% of those aged 25 or older in 1910, to 24.5% in 1940, to over 80% by 1990. See Wyatt and Hecker, p. 43, who draw their data from the Digest of Education Statistics, published by the U. S. Department of Education's National Center for Education Statistics, http://www.nces.ed.gov/programs/digest.

Notes

I have designed a parallel course examining the history, theory, sociology, and politics of higher education, as well as the myriad cultural imaginations of it, in "Teach the University!" *Pedagogy* 8.1 (2008): 25-42.

As Jennifer Ruth aptly states, "The Victorian novel is crowded with professionals" ("The Victorian Novel and the

Professions," in *The Oxford Handbook on the Victorian Novel* [Oxford: Oxford UP, 2013]).

Noel Parry and José Parry, "Social Closure and Collective Social Mobility," *Industrial Society: Class, Cleavage, and Control*, ed. Richard Scase (New York: St. Martin's, 1977), p. 115.

See my essay, "Conrad and Professionalism," in *Approaches to Teaching Conrad's "Heart of Darkness" and "The Secret Sharer"*, ed. Hunt Hawkins and Brian W. Shaffer (New York: Modern Language Association, 2002), pp. 48-53.

See my essay, "Unlucky Jim: The Rise of the Adjunct Novel," *The Chronicle of Higher Education* (12 Nov. 2012): B12-14.

RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

The American Academic Profession: Transformation in Contemporary Higher Education, Joseph C. Hermanowicz, Editor

Reviewed by James Davis

The American Academic Profession: Transformation in Contemporary Higher Education, Joseph C. Hermanowicz, Editor (Johns Hopkins University Press, 2011)

A profession is defined by the degree to which its practitioners control the terms and conditions of their work and by the autonomy they enjoy from the influence of the public and politicians. The key question addressed in *The American Academic Profession* is whether and how these attributes have been maintained in higher education, particularly in the face of neoliberal policies and practices ascendant since the early 1980s. In one sense, it seems academic in the worst sense to pursue this question while neoliberalism has dealt others fates far worse than it has dealt college professors. But as the best chapters in this collection illustrate, examining the vitality of any profession – whether law, medicine, or academia – is a way of assessing the constellation of social, cultural, and economic forces that impinge upon it. The patterns discernible in higher education – such as the stratification of the faculty and the diminution of tenure, public disinvestment, and administrative bloat – reflect broader trends in corporatization, shifting costs and risks downward while directing capital and power upward.

The American Academic Profession may be considered a contribution to the emerging field of Critical University Studies, though its proponents have tended to be humanists while this volume leans decidedly toward social science. Its contributors favor empirical research, measured claims, and a detached rhetorical posture. Despite some empassioned and ambitious arguments, they marshal data and methodically chart case studies, and the volume thus complements the existing humanities scholarship. Its strength lies in its striking breadth of subject matter and the expertise of its contributors. Sheila Slaughter and Gary Rhoades, who co-authored *Academic Capitalism and the New Economy* (2004) contribute separate essays here; Jack Schuster, co-author of *The American Faculty* (2006), introduces the book; and among the other leading higher education scholars represented are Steven Brint, Roger Geiger, Joseph Hermanowicz, and Teresa Sullivan, the president of the University of Virginia. Sullivan's chapter is among the finest and is noteworthy in light of her attempted ouster by Virginia's Board of Regents soon after the book's publication. (There is no direct causal connection, but her chapter advances an account of threats to shared governance that presage the threat to her job.) Taking the temperature of the academic profession in the new century, the book's thirteen chapters fall into five sections: Structural and Cognitive Change, Socialization and Deviance, Experience of the Academic Career, Autonomy and Regulation, and Contemporary and Historical Views. Readers who are weary of the invective and jeremiads that sometimes characterize commentary on higher education may find relief in this book's empiricism. They will certainly find fodder for thought and a firm basis for action.

Significantly, few contributors to this collection acknowledge the paradox at the heart of today's academic profession: while professionals are by definition distinct from "mere" workers, today it is principally through behaving *like* workers that faculty stand a chance of preserving autonomy and exerting control over the terms and conditions of their work. As two leaders of a recent faculty strike at the University of Illinois – Chicago write, "We've all begun to realize that, whatever it meant in the late 19th and early 20th century, in the 21st century that distinction is pure ideology. Professionals are workers — and professors are workers."[1] Many contributors to *The*

American Academic Profession assume the traditional opposition between professional and worker, despite their own evidence that faculty are increasingly "managed professionals," in Rhoades' phrase, their work overseen or influenced by others beyond their peers, from funding agencies and accrediting bodies to review boards, citizen groups, and private enterprise. Traditionally, shared governance, academic freedom, and tenure have maintained the academic profession. But since 1993, Schuster reports, the majority of first-time, full-time faculty appointments have been off the tenure track (9). And now, when just 17 percent of the faculty have tenure and only 8 percent more are eligible for it, shared governance and academic freedom have become chimerical for the vast majority.[2] Indeed, when Neil Gross interviewed dozens of professors of varying ranks for the chapter he contributed to this collection, he found that academic freedom "is not a topic to which most of [them] appeared to have given much thought," and their responses tended to be "short, halting, and unelaborated" (113, 134).

> ***Many contributors to* The American Academic Profession *assume the traditional opposition between professional and worker, despite their own evidence that faculty are increasingly "managed professionals," their work overseen or influenced by others beyond their peers, from funding agencies and accrediting bodies to review boards, citizen groups, and private enterprise.***

For this reason, I am perplexed by contributor Ann E. Austin's claim that "the continuing strength of academic work as a profession partly depends on the extent to which those who take nontraditional appointments […] understand and commit themselves to the central values and norms of the academic profession, including such values as commitment to excellence, autonomy, academic freedom, collegiality, self-regulation and peer review, and the place of research, teaching and service within the profession" (156). How can the untenured and untenurable be expected to uphold norms outside of their experience or subscribe to values that have not served them? However honorable, these values and norms will not be maintained by improved socialization of doctoral students; they have to be more than abstract ideals.

Furthermore, as Sheila Slaughter's chapter demonstrates, "Changes in state forms pose challenges to academic freedom because the state plays a large part in framing what is possible" (262). Although the state has been "unevenly altered" by liberal, social conservative, and neoliberal movements, Slaughter contends that the overall effect of these negotiations has been to undermine academic freedom (242). Examining the U.C. Berkeley struggle over affiliation with the agribusiness giant Novartis and the case of *Usofsky v. Gilmore* (2000) involving the

University of Virginia, she argues that the state's neoliberal approach to higher education has turned research faculty into entrepreneurs, putting "profit before discovery" and "secrecy over openness" with respect to intellectual property, and removing decisions from faculty governance bodies. Discussing the Ward Churchill case in Colorado, she says that the social conservatism accompanying the shift to free market and neoliberal policies has encouraged state interference in scholars' academic pursuits, not just their extramural activities, as during the Cold War.

> ***Redefining professional identity amid current conditions could entail a number of strategies. The most direct would be unionization, expanding the number of faculty who can collectively bargain terms and conditions of employment.***

This shift of terrain not only subverts Ann A. Austin's claim, but makes it seem hollow to suggest, as John Braxton, Eve Proper, and Alan Brayer do, that "stewardship for one's academic discipline" can be ensured by graduate faculty cultivating the "moral compass" of the next generation (183). Their focus on professional norms as a composite of individual behaviors obscures the context in which norms are established. It is difficult to see how affirming the three "invariant norms" of graduate student mentorship (refraining from harassing students, suppressing whistle-blowers, or directing students to fabricate or alter research data) will "function as compensatory integrating mechanisms for fragmentation in the structure of the academic profession" (182).

The collection's concern with professional norms comes from Durkheim, whose concept of *anomie* is usefully reworked here by Joseph Hermanowicz, the collection's editor and the contributor of one of its best chapters. Based on two sets of interviews conducted ten years apart with a group of sixty academics, he pursues what sociologists call a structural-functionalist analysis of the gap between the expectations the academy fosters in faculty members and its capacity to fulfill them. When the gap grows sufficiently wide and persistent – when, for example, the number of published papers required of scientists for tenure triples without a corresponding change in the time to tenure, as it did between the 1960s and 1980s – the result is *anomie*, an individual's sense of purposelessness or meaninglessness that actually has a structural source (224). In sum, Hermanowicz proposes that the academic profession has evolved into a frustrated quest for recognition: while faculty in elite institutions and non-elites experience it differently, and young faculty experience it differently from their senior colleagues, a sense of *anomie* is general, like the snow blanketing Joyce's Ireland in "The Dead." Hermanowicz reaches the dismally understated conclusion that "the consequences do not appear favorable," but we would do well to remind ourselves and our colleagues of Durkheim's key claim about *anomie*: that although it is "transmitted and

experienced as a pathology in individuals," it is in fact "a pathology of organizations and institutions" (233). This collection helps us identify a number of important phenomena beyond the overreliance on untenured and untenurable professors: the bifurcation of faculty into research and teaching duties, the intensification of research and scholarly demands to mimic research-intensive universities ("mission creep"), the unbundling of faculty responsibilities and entrepreneurial ethos accompanying high-tech industry's reach into academia, the arrival of "audit culture" on campus, tuition hikes and a consumer sensibility among students, the rapid expansion of administration and public-private partnerships to backfill declines in public funding. The unease many academics now feel – their inability to assume or assert the prerogatives of professionals – must be redescribed not as individual pathology but as institutional pathology, and remedies must therefore be devised that reimagine institutional structures rather than calling simply for a restoration of traditional academic values. Readers of this collection will acquire some useful tools for that task, but they will need to address the definitional problem on whose horns many of its contributors are stuck – the fact that with few exceptions academics are also workers.

Redefining professional identity amid current conditions could entail a number of strategies. The most direct would be unionization, expanding the number of faculty who can collectively bargain terms and conditions of employment. The faculty's hard-won identity as professionals impedes our identification as workers, but the conditions detailed in *The American Academic Profession* have already begun effecting a shift. Contingent faculty and graduate students are involved in large-scale unionization campaigns through SEIU, AFT, and others. The American Association of University Professors, the profession's century-old advocacy organization, is functioning increasingly as a collective bargaining agent. While individual AAUP membership and membership in advocacy chapters have declined precipitously, collective bargaining chapter membership is rising sharply; today, for nearly eighty percent of its fifty thousand members, the AAUP is their union, not just their professional association. However, not all faculty have the right to collective bargaining, either because they lack enabling state legislation or work at private institutions. The 1980 U.S. Supreme Court decision *NLRB v. Yeshiva University*, prohibiting faculty at private institutions from engaging in collective bargaining, may be vulnerable given the composition of the National Labor Relations Board.[3] But in the absence of collective bargaining, faculty still have a critical role in implementing strong language in college bylaws around academic freedom, job security and due process, and shared governance. To be effective in the new conditions, governance bodies may need to include contingent faculty and those on clinical and research appointments, and the tendency for governance bodies to be populated with administrative toadies will need to be combated. Teresa Sullivan writes that shared governance "is the tenet of the academic profession that may be in the most jeopardy, principally because of the proliferation of other occupations within the university and because of

tensions among the professors themselves" (329). The challenge, she observes, will be to "maintain professional solidarity" despite so many other job titles on campus (and indeed the diffusion of "campus" as such), despite the tension between faculty who look outside their institutions for professional validation and those who look within, and despite our disciplinary diversity.

Notes

[1] Lennard Davis and Walter Benn Michaels, "Faculty on Strike," *Jacobin: a Magazine of Culture and Polemic*, February 14, 2014. Online, accessed February 17, 2014.

[2] Richard Moser, "Overuse and Abuse of Adjunct Faculty Members Threaten Core Academic Values," *Chronicle of Higher Education*, January 13, 2014. Online, accessed March 12, 2014.

[3] Scott Jaschik, "Questions from the NLRB," *Inside Higher Education*, February 11, 2014. Online, accessed April 8, 2014.

RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

Empathy Imperiled:
Capitalism, Culture and the Brain
by Gary Olson

Reviewed by Kris Franklin
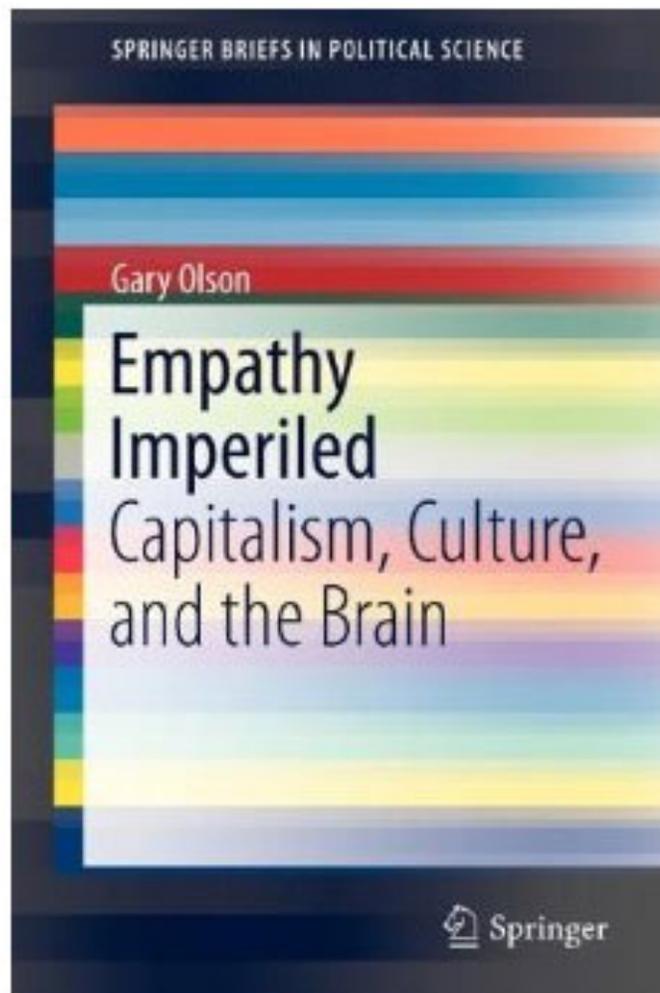
Empathy Imperiled: Capitalism, Culture and the Brain

by Gary Olson, (New York: Springer Science and Business Media 2013)

Gary Olson is holding out for a world of better living through empathy.

In *Empathy Imperiled: Capitalism, Culture and the Brain* he argues that understanding and studying empathy is a core mission for radical education because it ranks "among the most urgent and profoundly *political* questions of our time." Olson folds into his work contemporary understandings of empathy as multidimensional – that is, as having both cognitive and affective components and thus distinguishing it from mere pity or commiseration. To those insights he adds recent neuroscientific research that studies the ways that mirror neurons provide a foundation for compassion, citing Marco Iacoboni's assessment that human beings are "hardwired" for empathy toward others.

But wired to what end? Invoking the parable of the good Samaritan, Olson is not content to promote one-on-one assistance and call that "empathizing." He argues instead that while one-off acts of charity or interpersonal engagement might be valuable to both the helper and the helped, they remain part of a culture of rampant individualism that "virtually guarantees" that such episodes of connection will remain outliers rather than part of a larger movement toward structural change. Instead, Olson calls for what he terms a "dangerous" empathy: one that challenges – perhaps even precludes – an ideology that reinforces current power structures. In Olson's view, *real* empathy, the kind our neurology seems to have been built for, would make it all but impossible not to see the root causes of human unhappiness and work to change them. But dominant culture interferes with that process and supports current hierarchies, Olson believes, and consequently serves to impede the biological predispositions we all possess toward moral justice.

So if Olson's point is right, and we are indeed fundamentally hardwired for the kind of empathy that could lead to transformative social change, why isn't that already happening? Olson's response is that current culture "fogs the brain's empathy mirror." He points to modern capitalism, contemporary neoliberalism, militarism, and masculinity as barriers to the deep interconnectedness that he suggests science has shown humans to be evolutionarily designed for.

Whether or not your view of human nature is ultimately as optimistic as Olson's (and it is not absolutely clear whether Olson actually is this bright-eyed, or whether his invocation of a biological imperative for empathy is more of a useful rhetorical stance), he may well be correct: all of the forces he names likely do combine to uphold the status quo. Except, where does that leave us, then? How does the emerging neuroscientific approach to empathy actually help? Or, more practically, how can a radical teacher capitalize on the compassion predisposition to help students adopt a more critical stand against systemic injustice?

Here, Olson is far more opaque. His project is much better at describing the ways that dominant culture might work to tamp down social critique, or even awareness of structural violence, than it is at offering means of undoing the kinds of myopia he details. It might be fair to suggest, then, that like critical scholars everywhere, Olson finds it far easier to assay the problem than to offer solutions, and he has simply hit upon a new framework to fit his weltschmertz into.

But *Empathy Imperiled* does offer some glimmers of a way out, even if they are not entirely unproblematic. In Chapter 2 ["Retrospective: Moral Outrage or Moral Amnesia?"], Olson reprints and updates an article from 1988 describing a classroom experiment that many of his students found both profoundly moving and potentially troubling. He recalls having spent weeks in his International Politics course offering a comprehensive critique of U.S. policies in developing nations. After assigning a short essay, he found that most of his students easily criticized U.S. imperialism. Bringing in the few dissenting essays that supported American foreign policies, he read one of the examples in class then asked students to respond anonymously. Suddenly, 75% of them agreed with the dissenters and supported policies that they had in their earlier papers dismissed as "immoral." So what did they actually believe when they were not trying to please their teacher? It seemed on further discussion that despite their inherent contradictions most students actually held both viewpoints at the same time – they espoused views criticizing our government for using its power for political and economic advantage, but wanted at the same time to continue to reap the benefits that privilege brought.

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Olson was nonplussed. In his next class, he conducted a simulation in which an African student played a South African anti-apartheid activist (this was 1988!) who had been arrested tortured and sentenced to death for his crimes against the state. Facing execution in just 15 minutes, he had time to hear from those in the room who were willing to explain to him that he had to die. With

sufficient prompting, many students obliged: "You see, if our government didn't cooperate in killing people like you, our corporations would lose their cheap labor, raw materials, and profits." After prodding the conversation, Olson eventually declared that the hour for execution had come, drew out a starter's pistol, and asked who would shoot. Only one volunteer was willing, and only if he was far enough away not to see what he had done, so Olson said that he would perform the execution himself. Telling the shaken students to turn and face the back of the room while the act was performed, he fired a loud shot and then dismissed the class.

Olson reports that his simulation generated enormous discomfort, became the subject of countless late-night bull sessions, and prompted many to come to his office to discuss the class. Suddenly the material he was covering had new meaning, and students for whom the discussions had been "academic" or purely theoretical were stirred to consider it in new ways.

Is this good (or at least transformative) pedagogy? Did it awaken his students' mirror neurons? Does this one example offer a paradigm for the kinds of structural critique grounded in genuine empathy that Olson is longing for? The text somewhat sidesteps those questions, but it does, at least, suggest a moral obligation to continue asking them.

RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

Logical Warrants and the NSA

By Patricia Burns

NATIONAL SECURITY AGENCY

I teach freshman composition at Tulane University, where instructors pick unique themes for their writing courses. My theme is "war" (since 2001) broadly defined. Students write about anything from border patrol to airport security, Syria to the Iraq War, and sexual assault in the military to racism in the criminal justice system. Course readings cover controversial aspects, both foreign and domestic, of the U.S. War on Terror.

In five semesters of teaching this course, I have seen some pretty exceptionalist thinking on the part of my students: "torture is okay if it can save lives"; "civilian death by drone is okay because 'we' lost almost 3,000 civilians on 9/11 and because drones help stop terrorists"; "stop and frisk is okay because if you have nothing to hide, then you should not mind getting searched." Without a historical perspective, students often believe that the U.S. mission is always moral and therefore U.S. tactics are also moral.

A successful way to get students to interrogate their beliefs is to get them to determine the warrants of the arguments they support. Warrants are logical connectors that tie reasons to claims in argument. They are the (usually unspoken) beliefs that an argument rests on. For example, with the claim that torture should be legal because it might save lives, one would have to believe that torture actually works (at least some of the time) and that any country

or entity could use it to save lives. Thus, if a student's argument in favor of torture rests on its value to the party using it, then it would warrant that Al-Qaeda could use torture to save Al-Qaeda lives. Demonstrating what a particular position "warrants" helps students recognize how ethics and morality play into politics and policy.

Recently, a fruitful class discussion focused on the National Security Agency. Some students declared that spying is no big deal so long as you have nothing to hide. To which I asked: So you accept the warrant that your safety is more important than civil liberties? Many had to stop and ask if they really did believe that. Another line of debate was that it is okay to allow spying because it is combating terrorism. A warrant here is that it is okay to violate civil liberties so long as there is a good cause. We then discussed what might constitute a "good cause" in the future, also looking back to the anti-Communist fervor of the 1950s. Students were able to see that just because you trust a president or a motivation in the present does not mean you can trust them indefinitely. The value of precedent and the protection of law seemed really apparent by the end of class.

Students new to politics do not have much of a moral or ethical compass in determining what is right – they focus too readily on what is right for the United States. By teaching warrants I can clue students into the suspicious and sometimes deceitful aspects of the arguments they are so ready to accept.


NATIONAL SECURITY AGENCY BUILDING

RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

"The Site of Memory":
Some Riverine Thoughts from India

By K. Narayana Chandran
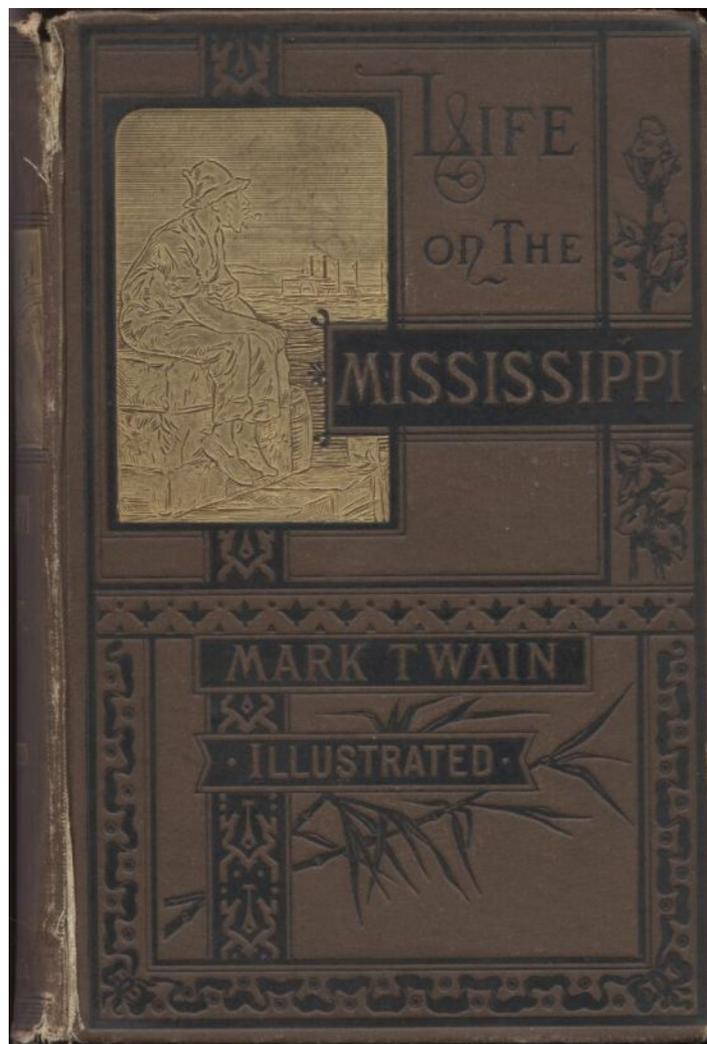
Mid-June last year, we woke up to the mind-numbing news of a series of disasters that struck Kedarnath, an Indian temple town situated on the banks of the Mandakini River, in the northern state called Uttarakhand. The same week, my American Literature seminar in Hyderabad found itself entertaining assorted thoughts about the rivers and memory. What began as a student-paper on *Life on the Mississippi* led us further on to other riverine thoughts— T. S. Eliot's "The river is within us, the sea all about us…" (205). Some lines in "The Dry Salvages" such as "Time the destroyer is time the preserver,/ Like the river with its cargo of dead negroes, cows and chicken coops,… /And the ragged rock in the restless waters / … but in the somber season / Or the sudden fury, is what it always was…" (209) made immediate sense to us. Strangely, it was now a flash-flood of allusions for us: Mark Twain-Eliot-the Kedarnath mishap involving thousands of people, cattle, vegetation, roads and bridges, and acres of arable land.

But surely we had heard earlier in our classes about rivers and memory? One of us recalled Langston Hughes's poem that seemingly alluded to Twain but anticipated Eliot's "dead negroes." "The Negro Speaks of Rivers" is a classic that deploys the uses of generational memory: how our souls ought to grow deep like the rivers, and why. Rivers are (and do *have*) memories. As the fury of torrential rains, landslides, and floods abated in Kedarnath, the Indian media debated what we ought to have remembered— mainly that places adjoining the Mandakini comprise an eco-sensitive zone in perpetual neglect owing to industrial pollution; the unregulated annual influx of tourists in thousands; poorly constructed buildings and roads; and, worse, the absolutely indifferent disaster-management systems in place. Lured by easy economic options and abetted by corrupt governmental agencies flouting environmental safeguards, the human interventions in these regions were asking for trouble.

In a region comprising 14 river valleys where more than 200 power and mining projects have been operationally live through the last few decades, where rivers are being tunneled for these projects, where the forest-cover has been progressively shorn for urban-industrial works and warehousing, many thought that there was no way a tragedy of this proportion could have been averted. The politics involved in declaring all this as "natural calamity," however, angered the whole nation because the successive governments by the ruling and opposition parties of Uttarakhand and Uttar Pradesh, both claiming pan-Indian political bases, heeded no warning by the environmental activists and scientists while they illegally sanctioned mining and construction rights in the region. The rapid construction of hydroelectric dams, the laying of infrastructure for pilgrims and tourists, and the unplanned clustering of hotels and shops on river beds could hardly be the work of nature. There was further the politics of blame when things go terribly wrong by adverting to decisions of "earlier" or "former" regimes or sheer bureaucratic apathy for which no one in particular could be blamed. "Guided by short-term profit," observes a scientist-conservationist who wrote on the Uttarakhand floods, "human interventions in the Himalaya that ignore … eco-systemic limitations will make humans more vulnerable to extreme processes of nature leading to greater losses in the long term" (Bandyopadhyay 20).

The class read a score of such articles and viewed videos that covered the disaster through several weeks. That was also an occasion for us to recall Michel Foucault's "Governmentality," where he reminds us that those who govern ought to think beyond just territories and be concerned about people, especially "in their relations, their links, their imbrications with those other things which are wealth, resources, means of subsistence, the territory with its specific qualities, climate, irrigation, fertility, etc.; [people] in their relation to that other kind of things, customs, habits, ways of thinking and acting, etc.; lastly [people] in relationship to that other kind of things, accidents and misfortunes such as famines, epidemics, and death, etc." (93). Perhaps it needs to be added that in times of such extremities, governments tend to forget why on earth they exist at all.

When no government remembers, rivers do. And that was precisely the message that we wanted to hear that day, discussing "The Site of Memory." And wasn't Toni Morrison speaking so sagely about floods; rather, how the floods straighten out our crooked lives and redraw the geographies of imagination? She was, but she was also speaking about much the same Mississippi of Twain and Eliot, and the rivers all about us:
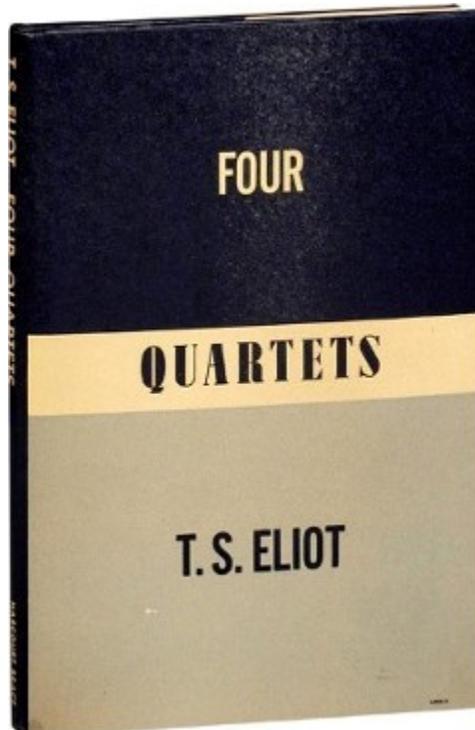
> *You know, they straightened out the Mississippi River in places, to make room for houses and livable acreage. Occasionally the river floods these places. "Floods" is the word they use, but in fact it is not flooding; it is remembering. Remembering where it used to be. All water has a perfect memory and forever trying to get back to where it was (305).*

Allusions, I remind the class, are exactly what *happen* like the floods: "Writers are like that: remembering where we were, what valley we ran through, what the banks were like…. And a rush of imagination is our 'flooding' " (305).

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In a region comprising 14 river valleys where more than 200 power and mining projects have been operationally live through the last few decades, where rivers are being tunneled for these projects, where the forest-cover has been progressively shorn for urban-industrial works and warehousing, many thought that there was no way a tragedy of this proportion could have been averted.

When no government remembers, rivers do.

RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

News for Educational Workers

By Leonard Vogt
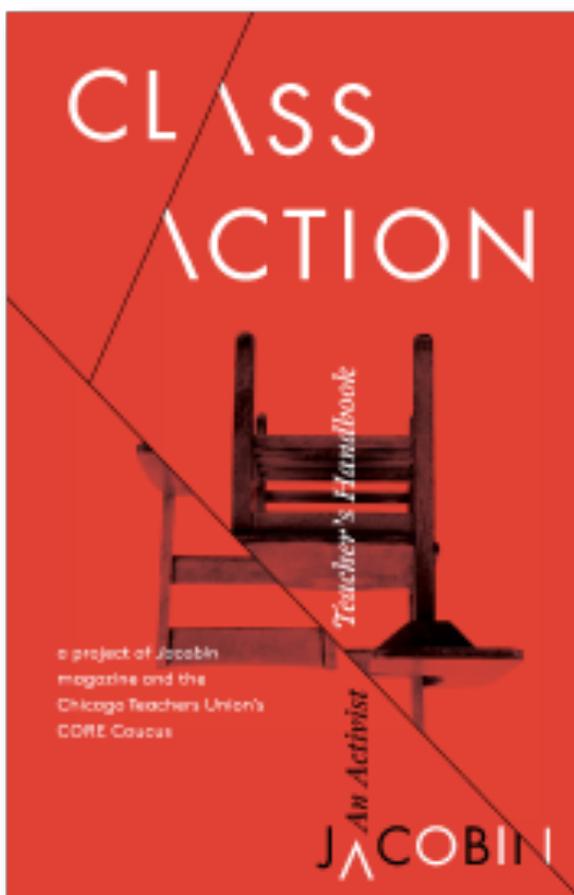
CLASS ACTION: AN ACTIVIST TEACHER'S HANDBOOK

Unions and Education

On February 18 and 19 of 2014, hundreds of teachers, students and other supporters picketed the University of Illinois at Chicago (UIC) campus as part of a "ministrike" called by the UIC United Faculty, the union representing more than 1,100 tenured and nontenured faculty members. The union has been negotiating its first contract with the university for a year and a half (www.portside.org, February 17 and 19, 2014 and www.jacobinmag.com, February 14, 2014).

Perhaps as a result of this two day walkout, The University of Illinois at Chicago faculty union was offered and reached a tentative agreement for a contract that covers the past two years and extends into April of 2015 (*Chicago Tribune*, April 17, 2014).

The University of California (UC) system and the AFSCME 3299 union that represents 8,300 custodians, food workers, gardeners and other campus service workers reached a tentative contract agreement that ends tense labor negotiations that have dragged on for more than a year. The agreement calls for an immediate 4.5% pay increase and then 3% annual raises through 2016 (*Los Angeles Times*, March 3, 2014).

In early April, 2014, one of the most important labor unions in U. S. higher education, United Auto Workers Local 2865, staged an unexpected two-day strike. Local 2865 represents 12,000 teaching assistants, associate instructors, and undergraduate tutors at University of California campuses (Aljazeera America, April 14, 2014).

Graduate students at New York University (NYU) have for the second time voted to unionize, making NYU the only private university to recognize a graduate-employee union (*In These Times*, February, 2014).

In the world of college sports, unions are also being considered. In January of 2014, the football players of Northwestern University became the first group of intercollegiate athletes to sign and file a petition with the National Labor Relations Board to seek collective bargaining and union recognition from the university. The athletes have cited the extensive hours required for the sport, the tenuous year-to-year nature of their scholarships, and the long-term medical repercussions, not to mention the tremendous profits their labor generates, as the key issues behind the union organizing campaign. Needless to say, Northwestern coach Pat Fitzgerald is encouraging his players not to form a union (*Jacobin*, February 26, 2014 and *Portside Labor*, April 5, 2014). For an idea of how much money is made on college sports, and how little the players get of it, see Jesse Jackson's "Big Money for College Sports, Nothing for Players," March 31, 2014, www.rainbowpush.org.

Adjuncts

Three very personal accounts of the status and suffering of academic adjuncts have appeared in the last few months.

Becky Tuck (*Salon*, March 17, 2014) appeals to the Association of Writers and Writing Programs (AWP), informs them that 70% of all college classes are now taught by adjuncts, and challenges them with the question as to why at the recent AWP conference, not a single panel was dedicated to the plight of adjuncts nor their underpaid and overworked contribution to academia.

Maura Lerner (*Star Tribune*, March 31, 2014) writes about adjunct Anne Winkler-Morey, who loves teaching history at Metro State University in Minneapolis but has no benefits, no job security, no desk or coat hook to call her own, and makes $17,000 a year. Dr. Winkler-Morey has become involved with Adjunct Action, an offshoot of the Service Employees International Union (SEIU), and started a Facebook site inviting adjuncts to share their concerns so "we can move toward a list of demands."

Ana M. Fores Tamayo in "Adjunct Justice" (www.counterpunch.org, January 21, 2014) describes how she gave up her adjunct position and her $15,000 a year salary. She writes, "There are 1.5 million faculty members in Higher Education today. Only 25% of this number is tenured. Thus, I am one in 1 million, and of this number, over 50% average $2,700 per semester, no healthcare, and another 25 % have no tenure and are hired on limited contracts."

On August 4-6, the 11th COCAL Conference (Coalition of Contingent Academic Labor) will take place at John Jay College, 524 West 59th St, in New York City. Plenaries, forums, and workshops will deal with problems faced by contingent faculty in higher education in the United States, Canada, and Mexico, as well as around the globe. Possible solutions and actions will be planned. For more information on COCAL and the conference, go to www.cocalinternational.org.

Corporate Education and Privatization

"Why Corporations Want Our Public Schools" (*Yes! Magazine/Political Image*, February 22, 2014) gives three reasons to answer the title of the article: 1. A corporation like Pearson controls the $20 billion to $30 billion a year standardized testing and textbook industry and, with the cooperation of the Gates Foundation, produces the Common Core courses with the accompanying tests and testing standards, thus setting themselves up, rather than the teachers, as the arbiters of success or failure; 2. The closing of "failing" public schools opens the doors for privatization and charter schools which means more than $25 billion dollars a year of taxpayers money going to private companies; and 3. According to teachers in Michigan, charter schools cut instruction money, raise administration costs, and come out ahead by $366 per students.

"How Privatization Perverts Education" (www.nationofchange.org, February 18, 2014) gives three reasons why privatization must be stopped, or at least examined, before it becomes a full-scale new vehicle for inequality: 1. Charter schools, according to the CREDO study at Stanford University and the National Education Policy Center, have not only not improved education but in the cases of states like Ohio, Texas, and Louisiana have produced inferior schools with lower graduation rates; 2. The profit motive perverts the goals of education and makes "education reform" synonymous with standardized testing. Even *Forbes Magazine* notes, "The charter school movement began as a grass roots attempt to improve publication. It's quickly becoming a backdoor for corporate profit"; and 3. Charter schools can leave lower-performing students behind by excluding students with special needs, low test scores, English-as-a second-language learners, or students in poverty.

In March of 2014, the United Opt Out National Spring Action conference in Denver gathered together over 100 students, parents, and teachers to brainstorm resistance to corporate education reform and high stakes standardized testing across the country. The education activists included a Finnish teacher and education scholar, a parent turned education activist, and a high school senior (www.nationofchange.org, April 13, 2014).

Class and Education

Class Action: An Activist Teacher's Handbook, a joint project of *Jacobin* and the Chicago Teachers Union's CORE, is a booklet that can be downloaded for free. The gist of the handbook is the following: "It's common in policy circles to claim that improving the quality of education in inner cities and impoverished rural areas is the answer to halting the growing gap between rich and poor. This view reflects not only the illusions about the potential for substantially improving education for children from low- and moderate-income families without deeper economic and political shifts, but also a serious misunderstanding about the growth of inequality over the last three decades."

The Economic Policy Institute offers a series of charts and tables to show that long-term unemployment is elevated for workers at every education level, with additional breakdowns by age, gender, race/ethnicity, occupation, and industry (www.portside.org, April 12 2014).

Austerity and Funding

In a fight against austerity measures, over 100 students and faculty occupied the provost's office of Portland's University of Southern Maine, the same office from which 15 full-time faculty from nine departments recently received lay-off notices (www.commondreams.org, March 21, 2014).

"U.S. University Science: The Shopping Mall Model" states that U. S. universities now resemble high-end shopping malls which use nice buildings and good

reputations to attract good students and good faculty. The cost of this external funding is now a necessary condition for tenure and promotion. This article argues that this model emerged at the initiative of universities not the federal government and that today's economic stress is partially the result of what universities and faculty asked for in the 1950s and 1960s (www.voxed.org, March 20, 2014).

Teaching History

In January of 2014, faculty at Colorado State University at Pueblo awaited news from the administration as to how many jobs would be eliminated, with a predicted high of approximately 50. A sociology professor, Timothy McGettigan, sent out an email to students and faculty urging them to fight the cuts. The email's subject line was "Children of Ludlow," referring to the 1914 massacre of striking coal miners in southern Colorado, and the email's content compared the way the university administration was treating its faculty to the way the coal miners were treating their workers 100 years ago, thus showing a repeated example of those with power mistreating those without. Hours after the email was sent, McGettigan's email account was shut down (www.insidehighered.com, January 20, 2014).

In *The Atlantic*, January 20, 2014) David Cutler interviewed Eric Foner, the historian who has earned the adoration of both academia and popular culture, and asked him about the teachers who influenced him and how high school history teachers can better prepare students for college.

Divestment in Fossil Fuels

In April, 2014, nearly 100 members of the faculty of Harvard University released an open letter to its president calling on the Ivy League school to sell off its interests in oil, gas, and coal companies. The letter states, "If the Corporation regards divestment as 'political,' then its continued investment is a similarly political act, one that finances present corporate activities and calculates profits from them. . . . Slavery was once an investment issue, as were apartheid and the harm caused by smoking." About the same time, South African Archbishop Desmond Tutu wrote in *The Guardian*, "We can encourage more of our universities and municipalities and cultural institutions to cut their ties to the fossil-fuel industry." For an interview on Democracy Now with James Anderson, one of the Harvard signers of the divestment letter, go to www.democracynow.org, April 11, 2014 or see www.nationofchange.org, April 13, 2014 for additional information.

Reactions to American Studies Association Academic Boycott of Israel

Following a university statement against boycotts of Israeli academic institutions, Syracuse University (SU) students issued their own statement in support of the ASA

boycott and a rejection of SU's pro-Israel position. After relating boycotts to the anti-apartheid struggle in South Africa and explaining that their support of the ASA boycott is neither to limit free expression nor to promote anti-Semitism, the student statement related Israeli occupation to U.S. foreign policy: "We recognize that the Israeli apartheid state is a strategic deployment of U.S. hegemony in the Middle East, and our own government is responsible for the promotion of massive inequalities in the region. The fight against the Israeli apartheid state is also a fight against U.S. imperialism" (*Daily Orange*, January 14, 2014).

William Kelly, interim Chancellor of The City University of New York, added his voice to those university leaders opposed to the resolution of ASA to boycott Israeli universities (www.insidehighered.com, January 24, 2014).

On February 3, 2014, *The New York Times* had an editorial opposing the New York State bill to penalize colleges and universities that support the ASA because of the boycott. In the exchange of letters that followed, two supported the boycott and two opposed it.

Resources

A newly created academic mailing list, Queer Kinship and Relationships, hopes to engage in and understand the multiplicity of issues concerning non-heterosexual families and relationships in their everyday lives. Researchers and academics interested in non-normative intimacy, kinships, relationships, and broadly defined family, are invited to join in. To subscribe, visit the website www.jiscmail.ac.uk/queerkinship.org.

The Winter 2013-14 issue of *rethinking schools* has a cover story called "The Problems with the Common Core." Stan Karp's article delves into the roots, problems, and trajectory of the Common Core and looks at funders, origins, and uses of the new standards that explain why pushback to the Common Core is building.

Bullfrog Films has three new videos relevant for K-12 to college classrooms:

SCHOOL'S OUT: LESSONS FROM A FOREST KINDERGARTEN

School's Out: Lessons from a Forest Kindergarten is a documentary combining pure observational footage of the children at a Swiss kindergarten in the forest, paired with interviews with parents, teachers, child development experts, and alumni, offering the viewers a genuine look into the forest kindergarten. There are also scenes of a traditional kindergarten in the United States to show the contrast between the two different approaches.

VALENTINE ROAD

Valentine Road is about an outrageous crime where 14-year old Brandon shoots and kills fellow student Larry, a gender-variant youth of color, and an even more outrageous defense of it. The film focuses on bigotry and prejudice as community-wide problems, rather than only the acts of individuals and how schools can respond to the full complexity of students' and support students in crisis before such crimes occur.

ADDICTION INCORPORATED

Addiction Incorporated tells the story of how former Philip Morris scientist Victor DeNoble's unexpected discovery of an addiction ingredient in tobacco led to more addictive cigarettes, and how his Congressional testimony forever changed how tobacco is sold and marketed. DeNoble's unwavering determination to expose the tobacco industry leads to a career as an educator who informs students about the world's only industry where success is measured by a corporation's ability to addict its customers.

Is there a news item, call for papers, upcoming conference, resource, teaching tool, or other information related to progressive education that you would like to share with other Radical Teacher readers? Conference announcements and calls for papers should be at least six months ahead of date. Items, which will be used as found appropriate by Radical Teacher, cannot be returned. Send hard copy to Leonard Vogt, Department of English, LaGuardia Community College (CUNY), 31-10 Thomson Avenue, Long Island City, New York 11101—or email items to **lvogt@nyc.rr.com***.*

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A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

Contributors' Notes

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