



Spring 2010

## Book Review: *For the Common Good: Principles of American Academic Freedom*, by Matthew W. Finkin and Robert C. Post

Lauren M. Collins

Cleveland-Marshall College of Law, Cleveland State University, l.m.collins36@csuohio.edu

Follow this and additional works at: [https://engagedscholarship.csuohio.edu/fac\\_articles](https://engagedscholarship.csuohio.edu/fac_articles)

 Part of the [Legal Education Commons](#), and the [Legal Profession Commons](#)

[How does access to this work benefit you? Let us know!](#)

---

### Repository Citation

Collins, Lauren M., "Book Review: *For the Common Good: Principles of American Academic Freedom*, by Matthew W. Finkin and Robert C. Post" (2010). *Law Faculty Articles and Essays*. 1003.  
[https://engagedscholarship.csuohio.edu/fac\\_articles/1003](https://engagedscholarship.csuohio.edu/fac_articles/1003)

This Book Review is brought to you for free and open access by the Faculty Scholarship at EngagedScholarship@CSU. It has been accepted for inclusion in Law Faculty Articles and Essays by an authorized administrator of EngagedScholarship@CSU. For more information, please contact [research.services@law.csuohio.edu](mailto:research.services@law.csuohio.edu).

## Keeping Up with New Legal Titles\*

Compiled by Creighton J. Miller, Jr.\*\* and Annmarie Zell\*\*\*

### Contents

<i>The Constitution in 2020</i> .....	287
<i>American Original: The Life and Constitution of Supreme Court Justice Antonin Scalia</i> .....	289
<i>Almighty God Created the Races: Christianity, Interracial Marriage, and American Law</i> .....	291
<i>For the Common Good: Principles of American Academic Freedom</i> .....	293
<i>An Introduction to Islamic Law</i> .....	294
<i>Measuring Judicial Activism</i> .....	296
<i>How Good Lawyers Survive Bad Times</i> .....	298
<i>The Supreme Court and the American Elite, 1789–2008</i> .....	300
<i>FDR v. the Constitution: The Court-Packing Fight and the Triumph of Democracy</i> .....	302
<i>A Constitution of Many Minds: Why the Founding Document Doesn't Mean What It Meant Before</i> .....	304
<i>Louis D. Brandeis: A Life</i> .....	306

### List of Contributors

Daniel Baker Reference/Research Librarian O'Quinn Law Library University of Houston Law Center Houston, Texas <i>Almighty God Created the Races: Christianity, Interracial Marriage, and American Law</i> .....	291
--	-----

---

\* © Creighton J. Miller, Jr. and Annmarie Zell, 2010. The books reviewed in this issue were published in 2009. If you would like to review books for "Keeping Up with New Legal Titles," please send an e-mail to creighton.miller@washburn.edu and annmarie.zell@nyu.edu.

\*\* Librarian for Research and Bibliographic Instruction, Washburn University School of Law Library, Topeka, Kansas.

\*\*\* Reference Librarian, New York University Law School Library, New York, New York.

A. Hays Butler  
 Associate Professor and Librarian  
 Rutgers University Law School Library  
 School of Law  
 Camden, New Jersey  
*FDR v. the Constitution: The Court-Packing Fight and  
 the Triumph of Democracy* . . . . .302

Lauren M. Collins  
 Assistant Professor & Law Library Director  
 North Carolina Central University School of Law Library  
 Durham, North Carolina  
*For the Common Good: Principles of American Academic Freedom* . . . . .293

Shaun Esposito  
 Head of Public Services and Adjunct Assistant Professor of Legal Research  
 Daniel F. Cracchiolo Law Library  
 University of Arizona, James E. Rogers College of Law  
 Tucson, Arizona  
*Measuring Judicial Activism* . . . . .296

Elaine M. Knecht  
 Director of Information Resources  
 Hiscock Barclay, LLP  
 Buffalo, New York  
*The Constitution in 2020* . . . . .287

Jennifer L. Laws  
 Librarian  
 Fifth Circuit Court of Appeals Library System  
 San Antonio, Texas  
*An Introduction to Islamic Law* . . . . .294

Sarah E. Morris Lin  
 Supervisor, U.S. Technical Services  
 Library  
 Reed Smith LLP  
 Chicago, Illinois  
*Louis D. Brandeis: A Life* . . . . .306

Alan Pannell  
 Head of Reference  
 William A. Wise Law Library  
 University of Colorado Law School  
 Boulder, Colorado  
*American Original: The Life and Constitution of Supreme Court  
 Justice Antonin Scalia* . . . . .289

clusion that religion, though it can surely inspire individuals to foment positive social change, can also be used to create and sustain social inertia and bigotry.

¶21 This intriguing, if uneven, work—the first book-length study to examine the role of religion in the interracial marriage debates—is very accessible, and Botham does a fine job of summarizing legal opinions in laymen’s terms. The text is supplemented by an index, endnotes, and a very extensive bibliography. Despite its flaws, *Almighty God Created the Races* is recommended for law school and general academic libraries and, due to its accessibility, is also appropriate for public libraries, especially those with strong legal history or civil rights collections.

Finkin, Matthew W., and Robert C. Post. *For the Common Good: Principles of American Academic Freedom*. New Haven, Conn.: Yale University Press, 2009. 263p. \$27.50.

*Reviewed by Lauren M. Collins*

¶22 In *For the Common Good: Principles of American Academic Freedom*, law professors Matthew W. Finkin (University of Illinois) and Robert C. Post (Yale) “articulate basic principles of American academic freedom” (p.6) as a means of grounding the ongoing debate over the concept. The authors succeed in providing an account that is both comprehensive and surprisingly concise. Though slow starting, their book aptly sets the scene for all who wish to participate in a continuing conversation about the state of academic freedom.

¶23 *For the Common Good* takes two approaches to its examination. The first two chapters look at academic freedom as a whole, exploring both its global history and the history of the concept in the United States. Having laid their foundation, the authors then explore each element of academic freedom in separate chapters: “Freedom of Research and Publication,” “Freedom of Teaching,” “Freedom of Intramural Speech,” and “Freedom of Extramural Speech.” It is this second approach, filled with colorful examples of professors stretching the bounds of previously accepted practice and curricula (and a few who have gone completely rogue), that will catch readers’ interest and propel them quickly through this brief book’s 155 pages of content.

¶24 The Committee on Academic Freedom and Tenure, also known as Committee A, is responsible for enforcing the American Association of University Professors’ *Declaration of Principles on Academic Freedom and Academic Tenure* (1915) and *Statement of Principles on Academic Freedom and Tenure* (1940). Though the 1915 *Declaration* and 1940 *Statement* are assertions of the rights of faculty (collectively rather than individually, as the authors are careful to point out), the principles included in the documents have as a broader aim the protection of the “purposes of higher education and the special conditions necessary for faculty to fulfill those purposes” (p.7). The cases that Committee A has reviewed over the years have yielded a “common law of academic freedom” (p.6), and the authors have chosen from amongst these cases anecdotes that they use to convey the history of academic freedom in a most engaging fashion.

¶25 One such example, from the chapter “Freedom of Teaching,” describes an incident involving Alfred Krebs, a sociologist teaching at Adelphi University in

1965. A known Marxist, Krebs prepared a multiple-choice midterm examination for his introductory and advanced courses that included three dubious questions. Each question sought “to extract from students dogmatic answers in matters about which the profession of sociology does not recognize dogmatic knowledge” (p.85) and left students with little choice but to give an answer that supported Krebs’ own ideology. The authors see Krebs’ actions as an attempt to indoctrinate his students, one of only a few recounted instances in which they condemn the actions of a professor.

¶26 More commonly, *For the Common Good* supports the professors whose accounts it relates, finding their actions or expression to be justified under principles of academic freedom. Grounds cited for this support range from stimulating student thought (burning a flag as a part of a lesson on symbolism) to achieving an increased role in the university (seeking a raise and a position in college governance) to participating in society as a U.S. citizen (attending peace demonstrations). Whether this tendency to favor a broad interpretation of academic freedom flows from the authors or stems from Committee A itself is not always clear. However, the opening paragraph of the book’s conclusion at least suggests that the authors recognize the need for a balanced perspective: “Academic freedom is not the freedom to speak or teach just as one wishes. It is the freedom to pursue the scholarly profession, inside and outside the classroom, according to the norms and standards of that profession” (p.149).

¶27 In addition to its primary text, *For the Common Good* provides detailed attribution, comprehensive indexing, and appendixes containing excerpts from the 1915 *Declarations* and 1940 *Statement*. Ultimately, however, it is the book’s succinct but thorough examination of academic freedom that makes it a must-have for every academic law library. The accounts of the stories behind the academic freedom cases, accounts that make the book so readable, are an added bonus.

Hallaq, Wael B. *An Introduction to Islamic Law*. New York: Cambridge University Press, 2009. 200p. \$45.

*Reviewed by Jennifer L. Laws*

¶28 Most Westerners derive what little they know of Islamic law, or *Shari’a*, and of current legal practice in Muslim countries from network news programs, glossy magazine stories, and similar popular sources. Such sources rarely provide meaningful context or significant analysis. Consequently, the images of *Shari’a* conveyed by the mainstream media and held in the popular imagination are often shocking and brutal: punishments such as amputation or stoning, discrimination against women, or honor killings. Neither the long history of *Shari’a* nor the dramatic metamorphosis it has undergone since the nineteenth century is widely understood. Professor Wael Hallaq’s most recent work, *An Introduction to Islamic Law*, aims to overcome these deficiencies by providing a concise overview for nonspecialists, both of *Shari’a*’s pre-modern history and of its transformation and use within the modern Islamic world.

¶29 Wael Hallaq is the Avalon Foundation Professor in the Humanities at Columbia University and was previously the James McGill Professor of Islamic Law



Content downloaded/printed from

[HeinOnline](#)

Mon Oct 21 14:18:35 2019

Citations:

Bluebook 20th ed.

Annmarie Jean Zell; Creighton J. Jr. Miller, Keeping up with New Legal Titles, 102 Law Libr. J. 285 (2010).

ALWD 6th ed.

Annmarie Jean Zell; Creighton J. Jr. Miller, Keeping up with New Legal Titles, 102 Law Libr. J. 285 (2010).

APA 6th ed.

Zell, A.; Miller, C. (2010). Keeping up with new legal titles. Law Library Journal, 102(2), 285-308.

Chicago 7th ed.

Annmarie Jean Zell; Creighton J. Jr. Miller, "Keeping up with New Legal Titles," Law Library Journal 102, no. 2 (Spring 2010): 285-308

McGill Guide 9th ed.

Annmarie Jean Zell & Creighton J Jr Miller, "Keeping up with New Legal Titles" (2010) 102:2 Law Libr J 285.

MLA 8th ed.

Zell, Annmarie Jean, and Creighton J. Jr. Miller. "Keeping up with New Legal Titles." Law Library Journal, vol. 102, no. 2, Spring 2010, p. 285-308. HeinOnline.

OSCOLA 4th ed.

Annmarie Jean Zell and Creighton J Jr Miller, 'Keeping up with New Legal Titles' (2010) 102 Law Libr J 285

Provided by:

Cleveland-Marshall College of Law Library

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

-- To obtain permission to use this article beyond the scope of your license, please use:

[Copyright Information](#)

Use QR Code reader to send PDF to your smartphone or tablet device

