Book Reviews

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Michael Gordon and Shelby Keiser, eds., *Accommodations in Higher Education under the Americans with Disabilities Act (ADA): A No-Nonsense Guide for Clinicians, Educators, Administrators, and Lawyers*. (DeWitt, NY: GSI Publications, 1998). 236 pp. $35.00, hardcover.

Readers of *Accommodations in Higher Education under the ADA* are likely to know more qualifying factors relating to disability issues and protocols than many disability service providers who haven't read the book. This brave statement is based on the fact that, until recently, there has been little in the way of acceptable conventions concerning the complexities of disability accommodations in higher education. After all, the ADA is less than 10 years old and case law, the driving force in developing protocols, has been slow to develop. Gordon and Keiser's text offers the first attempt at consolidating, documenting, and solidifying a new body of literature, data, and practices based upon both common and case law, and their book offers a comprehensive and accurate summary of current interpretations and applications of the ADA. It is a must read for disability service practitioners and administrators, and a desirable onefor anyone wanting a firm understanding of the facts surrounding the ADA's execution in higher education.

A disability is an impairment substantially limiting a major life activity. Impairments are fairly easy to define, as are major life activities. However, determining the parameters of "substantially limiting" is the vexation of every disability services professional. Determining if an impairment rises to the level of "substantially limiting" rests upon the documentation provided by the student. Therefore, it is not surprising that two-thirds of the book addresses questions pertaining to the documentation of clinical conditions. Although sounding dull, if not tedious, it is in fact far more relevant and interesting than one might initially imagine. While determining the impact of traditional conditions such as hearing, vision loss, or physical disability is relatively consistent, the task is more intricate and obscure for hidden impairments. Learning disabilities, attention deficit, and mental health disorders often influence, and thus alter, the very essence of the educational process. Establishing professional standards and common conventions is essential to establishing a viable process for both accommodating students with disabilities and upholding the academic integrity of the institution. Dedicating six of the book's nine chapters to documentation issues is neither excessive nor verbose.

Michael Gordon, a professor of psychiatry and director of the Attention Deficit and Hyperactivity Disorder Program at SUNY Health Science Center in Syracuse, New York, and Shelby Keiser, manager of the Office of Test Accommodations at the National Board of Medical Examiners, are aptly trained and prepared to edit a text on accommodations in higher education. And, in addition to the subject matter addressed

by the editors, eight other appropriately trained professionals have contributed to this well-organized and no-nonsense guide.

Their work has been well accepted throughout higher education. Louise Russell, Director of the Student Disability Center at Harvard University, states, "This book does not shy away from important questions, challenges, and controversies." Nancy C. Hill, a partner in the law firm of Carey, Hill, & Scott in Charleston, West Virginia, wrote that it is, "The perfect primer for lawyers who want to understand how the ADA applies to higher education and professional testing." And David K. Fram, director of the ADA & EEO Services at the National Employment Law Institute, states that, "This book provides well-written, practical and user-friendly guidance for professionals who deal with students claiming a need for accommodations in instruction or testing."

If strapped for time, readers will benefit greatly from reading only the first chapter on Essential Concepts, which defines and explores the six basic principles creating the ADA's foundation as applied to higher education.

Accommodating students with disabilities in higher education will remain a complex and enduring issue for college administrators. Appreciating the intricacies involved can only serve to improve the ability of collegiate registrars, admissions officers, and other related staff of the university.

—J. Trey Duffy

Richard Hofstadter, with a new introduction by Roger L. Geiger, *Academic Freedom in the Age of the College.* (New Brunswick, NJ: Transaction Publishers, 1996). 284 pp. $22.95.

The president of a southern college, in the East to raise funds, was falsely rumored to have given a speech praising a radical political figure. Townspeople around the college were so incensed as to force the closure of the college and the flight of its faculty. The college did not reopen for four years.

It was, as the reader might have guessed, the '50s. Not this century's McCarthyist era of political and intellectual suppression, however, but the 1850s. The college was Berea in Kentucky, the radical was John Brown, and the president, who would serve nearly four more decades in that role when Berea reopened in 1863, was the Reverend John Gregg Fee.

Richard Hofstadter's book notes that event among many others as it traces the roots of American academic freedom from Europe's Middle Ages to the looming specter of the Civil War. Commissioned in response to McCarthyism, the book was first published in 1955 as part of a single volume, *Academic Freedom in Our Time*, with Walter P. Metzger writing on topics after 1865 and Robert MacIver addressing then-contemporary issues. Reprinted as a stand-alone volume in 1961, Hofstadter's work has now been republished in the Foundations of Higher Education series from Rutger's Transaction Publishers.

Hofstadter's framework is largely that of the academy within the broader social context of religious freedom. "Academic freedom and religious freedom have one root

in common," he wrote. "[B]oth are based upon the freedom of conscience, hence neither can flourish in a community that has no respect for human individualism" (p. 62). He meticulously traces the fitful development—and suppression—of formal academic freedom through Catholic inquisitions and heresy trials, Protestant-Catholic confrontations, and vicious Protestant schisms and sectarianism. The consequences of perceived unorthodoxy could be horrific, both institutionally and personally. Another "50s" incident, in this case in 1355 on St. Scholastica's Day at Oxford, townsmen staged an assault on scholars in which they were beaten, tortured, and killed. The university suspended operations for several months, until the bishop and king interceded and put the town itself under university control. Municipal officers were compelled at annual mass to offer a penny apiece for the murder victims, a practice that continued until 1825.

Such academic freedom as was enjoyed during the pre-American centuries owed much, of course, to the perseverance and courage of individuals working on the frontiers of science, political philosophy, and other fields. But the circumstances that allowed it to endure were less often attributable to societal progressiveness than to the mobility of early faculties and "institutions," the lack of awareness by local populations, and the distance and distraction of church and lay officialdom.

The establishment of higher education in America was marked more by an adaptation of, rather than a break from, this irregular precedent. The question of academic freedom was still subsumed under questions of religious freedom. Although the Enlightenment and occasional, scattered, individual enlightenment allowed for some genuine tolerance of difference of opinion, much such freedom derived from principles of expediency; single sects were often not present in such large populations as to make doctrinal tests practical from the standpoint of enrollment, for example. Students might be permitted broad latitude in debate to prepare them for devilish confrontations, and the typical president, upon whom much doctrinal focus was concentrated, was often adept at deflecting sectarian criticism from boards of trustees if his fundraising skills, for example, were well-honed. But faculty, or more strictly tutors, were few in number at the many small colleges and were employed to execute, not design, curricula.

Even progressive founders of American higher education evidenced irregular support and flawed prescriptions for academic freedom as we now appreciate it. William Livingston, a New York lawyer and a Presbyterian arguing for the establishment in the eighteenth century of King's College, advocated reducing the influence of Anglican trustees and churchmen by turning over virtually all matters of institutional governance and rule-making to the state legislature; that proposal must surely send chills down many contemporary spines. Jefferson's ideal of faculty governance and academic freedom at the University of Virginia was compromised by his insistence upon anti-Federalist orthodoxy in governmental instruction.

By the eve of the Civil War, some formal articulations of academic freedom were put forth, and Hofstadter suggests that particularly tolerant institutions, such as the College of South Carolina, flourished in enrollment and reputation as a result. But the questions of the Civil War were no friend to civilized discourse and inquiry. Active political debate might have existed among institutions but rarely within them. Aboli-

tionist orthodoxy was as predominately mandatory among Northern faculties as sympathy for slavery was in Southern colleges. We were far from the day in 1873 when president Paul Ansell Chadbourne, in his inaugural speech at Williams College, could affirm, if indirectly, the importance of academic freedom by saying, "Professors are sometimes spoken of as working for the college. They are the college" (p. 274).

Roger L. Geiger of Pennsylvania State University's Higher Education Program adds much to our appreciation of the book—and of the author—in his new introduction. Geiger notes that Hofstadter's contributions to higher education history and thought were substantial and varied but generally underappreciated because of his prominence on broader themes of history and politics. Even nearly three decades after his untimely death in 1970, seven of his books are still in print.

Hofstadter lived to see the student uprisings and fundamental criticisms of higher education that wracked the 1960s. But his affections for the academy, despite its limitations, were encapsulated in his 1968 commencement address at Columbia University. The university is, he said:

> ...suspended between its position in the external world, with all its corruptions and evils and cruelties, and the splendid world of our imagination.....[W]ith all its limitations and failures...it is the best and most benign side of our society insofar as that society aims to cherish the human mind.

A fine argument, indeed, for the importance of academic freedom.

—Marc Cutright