This point raises a second, more general issue. Many of the contributors hold that because religion is special, it should hold a place superior to other kinds of conscientious beliefs and that religious accommodations, often but not always in accordance with majority views, should be justified by religious reasons. Others hold that religious minorities and individuals have often received and sometimes still receive inequitable treatment. The rise of Christian nationalism, however, complicates these issues further. Some conservative Christians portray themselves as if they were an embattled minority although they are of the nation's majority religion. Perhaps it is Christianity's loss of preeminence among an increasing diversity of belief systems that engenders this thought process. Yet the legal recognition of this diversity, one might argue, no more renders Christianity or religion in general irrelevant or obnoxious than the awarding of civil rights to people of color rendered white people irrelevant or obnoxious—although some white Christian nationalists would disagree. For DeGirolami, equal access afforded to religious claims along with secular ones has harmed Christianity by rendering religious reasons irrelevant to religious claims to equal treatment. But under equal access, religious claims have been successful where they failed under strict separation. If religion, and Christianity in particular, are special, is it not a positive development that they advance under equal access, even if this justification is the wrong one in the view of some religious advocates?

Perhaps there is yet another way to formulate two possible strands in our jurisprudence. According to the first strand, we have leveled down, treating religion as no better than any other constellation of beliefs. According to the second strand, we can level up, according deference to more such constellations. Secular claims may exert moral force equal to that presented by religious claims. Although Finnis and Bradley criticize this perspective, this volume might have included a contribution supporting it. As diallog about the proper role of religion continues to emerge, however, the contributions to this book will positively inform our discussions.

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Guardian of the Wall: Leo Pfeffer and the Religion Clauses of the First Amendment

By J. David Holcomb. Lanham, MD: Lexington Books, 2021. viii + 246. $111.00 cloth.

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Leo Pfeffer is widely regarded as the most influential 20th-century advocate for a strict separationist interpretation of the First Amendment's religion clauses. From his perch as

director of the Commission on Law and Social Action of the American Jewish Congress, he argued dozens of religious liberty cases before the U.S. Supreme Court, consulted on legal tactics and strategies in numerous others, wrote more than 120 briefs, and published eight books and over 250 articles and reviews. Probably more than any other individual, Pfeffer shaped how the Supreme Court interpreted the religion clauses in the decades following their incorporation against state action in the 1940s. As one scholar noted, in a quote that is repeated multiple times in the book under review, it could be "hard to determine where Pfeffer's words ended and the Court's began" (5).

In *Guardian of the Wall*, J. David Holcomb offers a comprehensive introduction to Pfeffer's thought and influence on Supreme Court church-state jurisprudence. Based on a close reading of much of Pfeffer's published work, including scholarly treatises and legal briefs, as well as various unpublished sources, Holcomb carefully analyzes the unifying principles underlying Pfeffer's long career of legal advocacy. Foremost among them was an absolutist commitment to church-state separation, which Pfeffer believed was necessary for securing the Constitution's guarantee of religious liberty. Contra his critics, who argued that strict separation would foster a public square hostile to religious interests, Pfeffer argued that a high wall of separation was the key to ensuring equal participation in public life for Americans of all religions—and none.

Holcomb's book is divided into five chapters, which are organized thematically and—more or less—chronologically. In chapter one, he explores the sources of Pfeffer's thought. He places particular emphasis on Pfeffer's experiences as an observant Jew growing up in a dominantly Christian society, who shared with many of his fellow mid-century American Jews a deep faith in the tenets of political liberalism. In chapter two, Holcomb analyzes how Pfeffer developed an historical account to support his reading of the two religion clauses of the First Amendment—the Establishment clause and the Free Exercise clause—as a "unitary guarantee." Chapter three turns to Pfeffer's advocacy for a strict separationist interpretation of the Establishment Clause, offering a close reading of Pfeffer's contributions to key church-state cases of the 1940s, 50s, and 60s. This chapter focuses on the area of education, documenting Pfeffer's rigid opposition to any trace of state support for religion, whether prayer in the public schools or financial aid to parochial schools. In chapter four, Holcomb shifts to the Free Exercise clause and describes Pfeffer's work on behalf of "non-mainstream" religions, including Sabbatarians, conscientious objectors, and "cult members," a term Pfeffer abhorred for how it de-legitimized non-traditional practices and communities. Holcomb argues that Pfeffer's work in this arena offers the strongest rebuttal to readings of Pfeffer as hostile to religious causes. In chapter five, Holcomb addresses more directly the arguments of Pfeffer's critics before offering a brief assessment of Pfeffer's enduring legacy in the book's conclusion.

Holcomb describes his book as the first "scholarly work dedicated exclusively to Pfeffer's thought and contribution to church-state law" (4). Given Pfeffer's stature and significance, this is both surprising and not surprising. Pfeffer's professional activities and published writings were so tied up with the Supreme Court's First Amendment jurisprudence that the book reads like a fairly standard introduction to the law of religious liberty. Holcomb summarizes well-known cases, reviews the arguments on both sides, and notes specific areas of Pfeffer's influence. Much of this will be well-known to readers of this journal, but the familiarity of the account only reinforces

the scope of Pfeffer's legacy. Unfortunately, it also makes for a somewhat less interesting read than one might hope. *Guardian of the Wall* is emphatically not a biography. It offers preciously few anecdotes about Pfeffer's personal life or any real sense of what he was like as a family man, a friend, or a colleague. Holcomb's story is well-told, but it maintains a laser sharp focus on Pfeffer's professional influence.

The hardest part of reviewing this book, however, is trying to figure out what to say about it right now, as I sit at my computer, in early July 2022. In the last week of June, the Supreme Court issued three landmark decisions that effectively completed a decades-long project of dismantling Pfeffer's legacy in its entirety. In *Carson v. Makin*, the Court ordered the state of Maine to provide tuition assistance for religious schools. In *Dobbs v. Jackson v. Women's Health*, the Court overturned *Roe v. Wade* with no regard for those whose conscientious commitments might require access to abortion in certain circumstances. And in *Kennedy v. Bremerton School District*, the Court recognized the religious rights of a public-school football coach to lead his students in Christian prayer following games. The Court has shifted so far from Pfeffer's separationist positions that he would hardly recognize it. And with a 6–3 conservative majority locked in place, it is hard to imagine the Court returning to Pfeffer's side any time soon.

What then are we to make of this comprehensive study of Pfeffer's influence? I imagined three possibilities as I finished reading Holcomb's book. Perhaps we might regard it as a historical curiosity, a compelling account of a particular moment in time, lasting from approximately the mid-1940s through the early-1980s, to which we are unlikely to return. Alternatively, we might read Holcomb's study as a stirring defense of a legacy waiting to be re-claimed. Or lastly, we might take this book as an opportunity to rethink altogether the wisdom of Pfeffer's abiding faith in the Supreme Court as defender of minority rights. Perhaps we ought to seek new political strategies altogether for guaranteeing religious equality.

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Free Exercise of Religion in the Liberal Polity: Conflicting Interpretations

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Written with comprehensive mastery of pertinent literatures in law, political theory, and moral philosophy, Emily Gill's *Free Exercise of Religion in the Liberal Polity*