Judicial Review and American Conservatism: Christianity, Public Education, and the Federal Courts in the Reagan Era. By Robert Daniel Rubin. (New York: Cambridge University Press, 2017. x, 347 pp. $59.99.)

Robert Daniel Rubin's *Judicial Review and American Conservatism* traces a path through the conservative legal movement of the early 1980s and explores its shifting strategy in response to defeats in court. The book focuses on two closely related federal cases concerning the constitutionality of school prayer policies in Mobile, Alabama: *Jaffree v. Board of School Commissioners* (1983, U.S. Supreme Court) and *Smith v. Board of School Commissioners* (1987, U.S. Court of Appeals). Rubin offers an intensely local exploration of litigants, schools, and the views of the very conservative judge, W. Brevard Hand, who decided both cases at the district court level. The author also explores the national response, the work of conservatives in and around the Reagan administration, and the processes by which Hand's rulings were overturned. These aspects of Rubin's examination interact both through the unrolling judicial process and through the activities of local, state and federal politicians and campaigners. An underlying theme he uncovers is a shift from conservatives being opposed to judicial intervention in politics to that group occasionally seeking judicial intervention on conservative terms.

Frustratingly, Rubin's exploration of conservative principles tends to push to the background issues of race and civil rights. This period still featured ongoing, sometimes-intense litigation over race in Mobile schools: the *Birdie Mae Davis* litigation, which had begun in 1963 was not finally settled until 1997; other litigation, which had established African American representatives on the school board in 1978, did not fully secure their voting rights on the board until 1984. Key figures in the story include not just Hand (who thought, Rubin says, that *Brown* v *Board of Education* (1954) "had turned the Supreme Court into a Big Brother with robes") but also Senator Jesse Helms and even George Wallace, returning as governor of Alabama for a final term (p. 99). Perhaps the lack of involvement of African Americans in Mobile in defending school prayer politically, while supporting the practice in principle, was the result of more than just "mistrust" (p. 93). The book also misses an opportunity to relate the politics of this issue more clearly to the prior politics of segregation in Mobile and elsewhere.

The book has a number of significant strengths: it is an extremely rich account of complex litigation, with profound depth in its Mobile sections and a clear account of contemporary conservative legal thinking in its Washington, D.C., sections. Rubin gives persuasive and sympathetic accounts of the legal reasoning of participants as varied as Supreme Court justice William Brennan and federal district court judge Hand. His depth of understanding of what Hand thought he was doing is, in the end, quietly devastating. The development of the cases certainly fits with a shift in conservative legal strategies, but less clear is whether that shift is a result of the Alabama cases or something they illustrate. As Rubin concludes, although some conservatives since then have adopted a rights-based approach based on the belief that conservatives need judicial protection (as a religious minority, for example, or to defend Second Amendment rights), much conservative discourse still uses the idea of majoritarianism to resist judicial intervention elsewhere. Perhaps this reflects a movement that can respond with procedural flexibility in pursuit of substantively conservative goals.

Paul Marin
Wadham College
Oxford, England

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