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Book Review

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identity to fit in. This book could also work well as supplementary reading for courses on race and law and education law. It is short (fewer than 200 pages) and is sure to generate discussion in any classroom.

¶29 Law students will like *Acting White?* because it is an easy read and it can help those who need to know how to navigate law firms when identity issues come up. Readers wanting to know how to create a working identity they can live with and not feel as though they are selling out can refer to the authors' discussion of four stages of racial negotiation. This book has much to offer and is a must for any library.

DeGirolami, Marc O. *The Tragedy of Religious Freedom*. Cambridge, Mass.: Harvard University Press, 2013. 306p. \$45.

*Reviewed by Justin R. Huckaby**

¶30 In *The Tragedy of Religious Freedom*, Marc O. DeGirolami explains the delicate nuances of the legal theory of religious liberty and the risks that arise from its application in the sensitive area of the First Amendment's religion clauses. There are several different theoretical approaches to cases involving the religion clauses. DeGirolami endorses the approach he describes as the method of tragedy and history. This method approaches the pluralistic nature of religion with the understanding that there are many different values at play in cases involving religion and that sacrifices will be made in all cases. Courts should also consider the history surrounding particular religious issues in determining the outcomes of each case.

¶31 In part 1, DeGirolami addresses other approaches to religious liberty, such as comic monism (single-value approaches) and skepticism, through the writings of legal theorists who endorse those approaches. One example he uses is Christopher Eisgruber and Lawrence Sager's monist approach of attaining the ultimate goal of equality, explained in their book *Religious Freedom and the Constitution*;¹ another is Winnifred Fallers Sullivan's skeptic approach, as expressed in her book *The Impossibility of Religious Freedom*.² After explaining these methods, DeGirolami details how each theory fails in its approach to religious liberty.

¶32 In part 2, DeGirolami explains his method of tragedy and history. When dealing with religious liberty, he says, the tragic-historian should consider the clashes between the different values of both the religion and the government being considered in each case. When evaluating each case, the tragic-historian should not dismiss the attempt at reaching an outcome pertaining to religious liberty simply because a particular theory will not satisfy everyone. The tragic-historian must always recognize that his decision will cause loss and sacrifice to the parties involved. Changes to the approach to religious liberty cases should be gradual so as not to upset the current practices and understandings of the community at issue. Finally, the tragic-historian always considers both social and doctrinal history sur-

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1. CHRISTOPHER L. EISGRUBER & LAWRENCE G. SAGER, *RELIGIOUS FREEDOM AND THE CONSTITUTION* (2007).

2. WINNIFRED FALLERS SULLIVAN, *THE IMPOSSIBILITY OF RELIGIOUS FREEDOM* (2005).

rounding the case and similar cases. DeGirolami then applies the method to an existing religion clause case or a situation from which he thinks a case might arise in the future.

¶33 In part 3, DeGirolami explains how the method would be applied in cases from the U.S. Supreme Court's jurisprudence. For example, he describes how the Court's free exercise approach of formal neutrality in the face of a generally applicable law would not survive in the tragic-historian's consideration. In contrast, the Court's adoption of the ministerial exception is a perfect example of the tragic-historic approach.

¶34 *The Tragedy of Religious Freedom* would be an excellent addition to an academic law library. However, this book is not intended for the First Amendment novice. The reader must have a working knowledge of the religion clauses and the court cases that have dealt with these issues. Though DeGirolami summarizes the main points of each court case he analyzes, it would be difficult to understand how *Employment Division v. Smith*³ is a comic-monist approach to the Free Exercise Clause and *Van Orden v. Perry*⁴ is a tragic-historic approach to the Establishment Clause without some prior knowledge of the cases.

DiSalvo, Charles R. *M. K. Gandhi, Attorney at Law: The Man Before the Mahatma*. Berkeley: University of California Press, 2013. 350p. \$34.95.

*Reviewed by Lynne F. Maxwell**

¶35 *M. K. Gandhi, Attorney at Law: The Man Before the Mahatma* is a remarkable book and an obvious labor of love on the part of Charles R. DiSalvo, the Woodrow R. Potesta Professor of Law at the West Virginia University College of Law. DiSalvo serendipitously stumbled on his project when, as a Bigelow Fellow at the University of Chicago Law School, he discovered that Mohandas Gandhi, iconic practitioner of peaceful protest, had spent a substantial portion of his early life engaged in the practice of law. Eager to learn more about the ways in which Gandhi's practice as a lawyer helped shape his later practice of civil disobedience, DiSalvo combed the university's extensive library, only to find that the book he wanted to read had not yet been written. Thus DiSalvo began his own journey as a Gandhi scholar, painstakingly researching obscure South African newspapers and other sources to piece together the legal historio-biography that culminated in the larger-than-life Mahatma Gandhi, renowned nonviolent spiritual leader of Indian civil disobedience.

¶36 With a comprehensive introduction and eighteen meticulously researched chapters, this book chronicles Gandhi's life in the law, from his days as a student in London's Inner Temple through his years of practice in South Africa's Transvaal and Natal. DiSalvo depicts the young Gandhi as a shy, tongue-tied barrister who can scarcely speak in defense of a client and traces his gradual evolution to a powerful orator who speaks eloquently to and for his "clients," the masses of Indians

3. *Employment Div., Dep't of Human Res. of Or. v. Smith*, 494 U.S. 872 (1990).

4. *Van Orden v. Perry*, 545 U.S. 677 (2005).

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