RELIGIOUS FREEDOM IN AMERICA IS CHANGING FAST, AND IT MATTERS

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Joshua Holo: Welcome to the College Commons Podcast, passionate perspectives from Judaism's leading thinkers brought to you by HUC Connect, the Hebrew Union College's online platform for continuing education. I'm Joshua Holo, Dean of HUCs Skirball Campus and your host. Welcome to this episode of the College Commons Podcast. We're going to have a conversation with Micah J Schwartzman, who is the Hardy Cross Dillard Professor of Law and the Roy L and Rosamund Woodruff Morgan Professor of Law, as well as the director of the Karsh Center for Law and Democracy at the University of Virginia. His scholarship focuses on law and religion and constitutional law. A Rhodes scholar, he subsequently clerked on the US Court of Appeals and has published in the Harvard Law Review, the University of Chicago Law Review, The New York Times, Washington Post, The Atlantic, slate.com and many others. Professor Micah Schwartzman, thank you for joining us on the College Commons Podcast.

Micah Schwartzman: Thanks for having me.

Joshua Holo: I'm going to start not with a question but a recitation, I'm going to read the First Amendment to the United States Constitution. "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or of the right of the people peaceably to assemble and to petition the government for a redress of grievances." I'm going to repeat the first part, because that's the topic of our conversation, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." In your recent slate.com article with Dahlia Lithwick titled, "Is the Religious Liberty Tent Big Enough To Include the Religious Commitments of Jews?" You distinguish between two components of the First Amendment, the establishment clause and the free exercise clause. Can you spell out the distinction for us?

Micah Schwartzman: You read the First Amendment and in the first provisions of it, we have what are conventionally described as two clauses, the establishment clause, which prohibits the government from enacting laws that respect an establishment of religion, and the free exercise clause, which protects religious liberty or religious freedom. The Supreme Court has interpreted both provisions as protecting religious liberty, but they do it in somewhat different ways. And for the most part, we've been focusing lately on the free exercise of religion, the Supreme Court

has been narrowing its establishment clause jurisprudence to the point, perhaps most recently, of zeroing it out.

Joshua Holo: In the same article, you and Lithwick cite Justice Sotomayor, who laments the devolution of the principle of the separation of church and state into, "a constitutional slogan, not a constitutional commitment." The same day that Slate published your article, The National Review published an article with the online tag line, "Three cheers for the Supreme Court recognizing that separation of church and state is just a slogan, while free exercise is a right." It sounds like you and the editorial staff of The National Review agree that there is some competition between these two clauses, is that right?

Micah Schwartzman: In some cases, the commitments of the establishment clause and the free exercise clause will sometimes be intention, or at least many justices of the Supreme Court have long viewed the clauses as pointing in somewhat different directions. In some cases, they're perfectly compatible, and they run in the same way, they both protect religious liberty. But they impose different requirements on the government. The establishment clause tells the government that it can't support religion or religious institutions in various kinds of ways. The free exercise clause tells government that it can't interfere with people's religious practice. Now, in some cases, those two commitments might run into each other and might generate some conflicts. The editorial board of the National Review and other conservative organizations have a strategy, which is to minimize the establishment clause, that is to minimize the restraint on the government in its support for religion. And they do that in favor of expanding the role of free exercise, that is allowing more range for people to exercise their religious belief and practices. And the latter sometimes creates problems, because for some people what it means to practice their religion is in conflict with state and federal laws, that is they want exemptions from those laws. And in my view, sometimes exemptions are necessitated, they're important, but sometimes when those...

Micah Schwartzman: Especially when those exemptions might harm other people, I think there ought to be some limits on what the government can do in allowing other people to express their religious beliefs.

Joshua Holo: Let's put this to an example. The article which I said from The National Review related to a recent Maine case in which the establishment clause and the free exercise clause were pitted against one another with respect to the use of public dollars for religious education. Tell us a little bit about where that takes us.

Micah Schwartzman: The Maine case is about state funding of religious schools, private religious schools. And what the Supreme Court said in that case is that if a state funds any kind of private schools, it cannot exclude religious schools, either on the ground that those schools are religious or on the ground that those religious schools would use the money for the purposes of supporting a religious education. After all, that's what religious schools often do. And so the Maine case marks, I think, a major shift in our understanding of the establishment

clause. And I can describe that shift through roughly three time periods. After Word War II, when the Supreme Court applies the First Amendment and the establishment clause to state and local governments, what the court said was that, for the most part, it was not permissible under the establishment clause for states to fund religious schools. That is, our commitment to separating church and state meant that the...

Micah Schwartzman: That the government, the state governments for the most part. But here also the federal government, they could not send money to support the religious mission of private religious schools. That was the dominant view, call it a separationist view for decades. In the late '90s and the early 2000s, the Supreme Court, led by Chief Justice Rehnquist, started to revise that view and basically adopted a posture where they said it's permissible for the states to fund religious schools in certain ways through school vouchers, for example. As long as people have a true and private choice, that is, as long as the money is gonna a parent or a student who chooses then to use the money to go to a religious school, the states don't have to do that, but they can. It's permissible.

Micah Schwartzman: And now we've taken a further turn under Chief Justice Roberts and a conservative Supreme Court. We now have an understanding of the establishment clause and a free exercise clause, which says, "If the states are funding private schools, not only are they allowed to fund religious schools, but indeed they must fund religious schools." And so we've done a total 180 in our understanding of the religion clauses, whereas the establishment clause used to be read to exclude school funding. That part has dropped away, and now the Supreme Court says that it's an infringement on free exercise, it discriminates against religion for the state to exclude religious schools from public funding of private schools. And so our entire understanding of the two religion clauses of the First Amendment, the establishment clause, and the free exercise clause has radically transformed in the last two decades.

Joshua Holo: Having elaborated very clearly and helpfully on the legal evolution of the relationship between the establishment clause and the free exercise clause, would you be willing for a moment to weigh in on the civic import of this pitched conflict, it seems, what it means for our nation to be divided on two pillars of the Constitution, separated only by a comma and their competition against one another.

Micah Schwartzman: For decades, the relationship between the establishment clause, the restraint on government in imposing religion, and the free exercise clause which protects people's ability to practice their religion was relatively stable. And it has become destabilized in the last several years by a Supreme Court that reflects on the politics of the president and the political party that put those justices into power. And they have a very different view about how religion ought to work in our political society. That is, they see a much broader role for a public religion, for public expressions of religion, which I think it's clear enough that this will, for the most part, be expressions of Christianity, that is the majority religion in the United States. And they have great solicitude for religious exemptions, especially, I think, when those exemptions

are sought by Christian conservatives who have disagreements with policies in whatever state or local jurisdiction that they're in, and there are lots of examples of this.

Micah Schwartzman: I think a breakthrough case was a case involving Hobby Lobby in which the Affordable Care Act under Obama included some provisions to pay for contraception, and there was major pushback by conservative Christian organizations on those provisions. And I think that led to an opening, a space in which the Supreme Court said, "We're gonna invite these kinds of objections and we're gonna take them very seriously." At the same time, the Supreme Court has been cutting back on establishment clause limits, and so there's more funding of religious organizations. And at the same time, there's more a sense that the Supreme Court will accept pleas for exemptions, especially when conservative religious believers haven't been successful in the democratic process, haven't been able to get the laws that they want, then they seek exemptions from those laws.

Joshua Holo: It gets confusing sometimes when it seems that one argues from the free exercise clause sometimes to limit freedoms and sometimes to expand them.

Micah Schwartzman: Basically there's been an inversion. It used to be that we thought it protects religious liberty for the state not to fund religious organizations. It prevents the state from corrupting religious organizations, from putting religious organizations on the dole, as it were, and attaching strings to them. It protects their integrity not to be entangled with the government, but we thought these are important protections in a way for keeping these two very powerful entities, religious organizations and the government apart from each other in various ways. The Supreme Court has abandoned that vision, at least with respect to funding. And now what happens is that religious organizations wanna bring claims to say that whenever a state decides not to fund a religious institution that that's somehow discriminating against religious organizations.

Micah Schwartzman: And the idea is that on the conservative side, it's not a disestablishment of religion, it's not a separation of church and state. It's just a form of discrimination, of treating religious organizations differently than you would treat other types of organizations, nonprofits, schools or what have you. And so whereas the establishment clause used to be a shield for religious organizations and also a protection for the government, now it's seen as a disability on religious organizations that those organizations wanna overcome. They want this funding, they want public funding. And they're using the free exercise clause as a sword to break through those I'm calling disestablishment shields. So we've seen an inversion or a radical change in the way that these arguments are used to running. So if they're confusing, it's in part because they're just playing different roles than they have played for most of the time that we in our lives have been familiar with them.

Joshua Holo: Yes, and there's a cultural component here, which I think is really important to highlight, which is that the tone of conservative politically-minded people who want explicitly to undermine the establishment clause... Indeed, the sub-head on the article that I cited from the

National Review said, Yeah, it's about time that they recognize that the phrase separation of church and state is in fact nothing more than a slogan, they're celebrating that explicitly... That position seems from a cultural or a civic perspective as opposed to a strictly jurisprudential perspective, to be saying that insofar as the establishment clause purports to protect religious integrity, it's a sham, and moreover, in insofar the establishment clause purports to protect the government from undue religious influence or favoritism that is unworthy, that the government doesn't deserve or need protection from religion, that's not something worth pursuing, nor would they argue is it embedded in the clause itself? Do you agree with my understanding of the broader conservative posture in relation to these clauses?

Micah Schwartzman: In short, yes. On the conservative side, the view is that the idea of the separation of church and state is not found in the Constitution, that it's a misunderstanding of the religion clauses, both what we're calling the establishment clause and the free exercise clause, that those provisions don't affect a separation of church and state, that this was a line from Jefferson, that wasn't a matter of constitutional law, and that to the extent that these provisions have been read in that way, there's been some multi-generational mistake on the part of not just American constitutional lawyers, but American culture more generally.

Micah Schwartzman: And I think as you're suggesting, there is an attempt to revise that understanding and to change it and to bring it into line with a conservative political view that I think really goes back to the sense that this is a Christian nation, that it ought to promote a religious perspective, the government want to have some relationship more generally with religion, there's a sense of Christian nationalism that I think is attendant to this view, I think you're right, a part of our cultural politics, that there is a rejection of the idea of separation of church and state, it's a kind of one-way relationship on this view that is, Religion ought to be free from government intrusion, but also that the government ought to follow the views of the religious majority, and so the separation doesn't go in two directions, which is our traditional understanding at most it goes in one direction, if that.

Joshua Holo: Do you think, historically speaking, that sort of Thomas Jefferson versus John Adams split on this matter is a reasonable way, a fair-minded way of understanding the roots of the disagreement about the establishment clause as we are discussing now contemporarily, in terms of conservative liberal, free exercise versus establishment.

Micah Schwartzman: The history of these provisions is both very complex and in some ways, quite obscure, that is we don't have a lot of information about why the First Amendment, it's particular text was adopted as compared to other formulations that the framers of the First Amendment might have used. And there were different understandings of both the establishment of religion during the founding, from the experience of people coming from different states, and there were different understandings of what it meant to dis-establish religion, and we have had controversy over that history, basically since the inception of the First Amendment.

Micah Schwartzman: But I think here, a couple of things are important. One is we're a much more diverse society than we were at the founding in many, many ways, not just in terms of ethnicity and race, but also in terms of religion, and our understandings of religious diversity have, I think, transformed our understanding of religious freedom to the benefit of our society, to make it much more inclusive and expanded our understanding of what it means to have a religious freedom, and the second thing I'd say is these historical debates continue on both sides of these disagreements, on the liberal side, on the conservative side, there will be historical sources that are brought out to promote these different understandings, but I don't think that the answers are ultimately going to be found in those historical understandings, they're capacious enough for our a tradition of argument to continue over time, I don't know that one will dominate clearly over the other...

Micah Schwartzman: But I do think that one side of this debate has accommodated religious diversity better than the other and has absorbed the lessons of that pluralism and taken it more seriously than a side that thinks the government ought to continue to promote religious values.

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Joshua Holo: In your slate.com article, you analyze the case of a Florida synagogue, which argues that the abridgment of abortion rights amounts to the abridgment of Jewish religious rights. Because, as in fact is the case, the range of Jewish opinions for the past two millennia overwhelmingly allow abortion to protect the physical safety of the mother, but also in no small measure to protect the mental health and spiritual state of the mother. You, from that broad perspective, rebut the arguments of Josh Blackmun, a professor at South Texas College of Law in Houston, who dismisses the synagogue's claim. What is Blackmun's argument?

Micah Schwartzman: Blackmun argues that the best way to understand the free exercise clause of the First Amendment, that is the protection for religious liberty under the Constitution, is to say that you can only raise a claim for an exemption from a law, like a prohibition on abortion, if you can show that you're substantially burdened, that your religious belief is substantially burdened. Now, this is a piece of... Legal jargon, the phrase, "substantially burdened." And

Blackmun says, "In order to be burdened in the way that the law would recognize, you have to show that the law compels you to do something, forces you to do something that conflicts with a religious obligation, that conflicts with something that you are required by your religion to do." And now Blackmun says, "But the Florida synagogue, and Reform Jews more generally, can't say that they're religiously obligated for a Jewish woman to have an abortion or for other Jews to participate or to facilitate an abortion cure. They can't say that there's an obligation, because Reform Jews don't think that Jewish law, Halakhah, is binding.

Micah Schwartzman: In Reform Judaism, Halakhic rules are taken to be perhaps persuasive authorities, but they're not binding authorities. And because they're not binding, Blackmun says they don't obligate Reform Jews. Reform Jews don't have religious obligations on this view, certainly not in the abortion context, he says. But I think the argument is more general than that, it's that because they don't think the Halakhah's binding, they don't have obligations. Now, if you connect both those parts of the argument, in order to have a free exercise claim and a claim for an exemption, you have to show that you're religiously obligated. And the next part of the argument is Reform Jews, because they don't think Halakhah is binding, they don't have obligations. It follows that Reform Jews can't claim exemptions from abortion laws, or really at the end of the day, from anything else. And I think the broader implication of his argument is that liberal Jews don't have religious obligations, can't ever claim exemptions under the free exercise clause of the First Amendment.

Micah Schwartzman: And I would go even one step further than that, I would say any liberal religious believer who doesn't think that religious law is binding on them, but is... Only views that law as somehow a kind of persuasive authority or a guide to live by, none of those people have religious obligations. So at the extreme, the implication of this argument is that progressives and liberals of faith can't ever claim exemptions under the free exercise clause. Conservative religious believers can do that, 'cause they think the religious law is binding. But liberal and progressive believers can't. I think that's the end result of this argument. And I think it's a fair statement of his position, it's certainly how the argument goes in the abortion context.

Joshua Holo: From the world of Reform Judaism, this is a harrowing argument as an American and as a Jew of faith, how do you respond to Blackmun's argument?

Micah Schwartzman: I wrote a piece in Slate with Dahlia Lithwick replying to Blackmun's claim, because I thought it was important to have on record a response to this argument. It is, I think, a shocking argument. And sometimes these arguments are floated, Blackmun framed his argument as a tentative thought. But sometimes these tentative thoughts are trial balloons, they're are tests of arguments within conservative legal circles to see whether they have any traction. It might be usable as legal arguments in courts. And I wanted there to be on record a clear reply to this. And our reply really starts on the legal side, not on the side of whether Reform Jews have obligations, although I have views about that too, but it really starts with the law. And the basic point is that Blackmun gets the law completely wrong, and very clearly wrong. There is very clear indication in federal statutory law, Congress passed a law called The

Religious Freedom Restoration Act, which you might not have heard of but was very important in the Hobby Lobby case involving a challenge to contraception or paying for contraception.

Micah Schwartzman: And when Congress enacted that law and later amended it, it made very clear that in order to raise a claim under the free exercise clause, you do not need to claim that your religion compels you or obligates you to do something. It's enough under the law that you're acting on the basis of your religious values, on the basis of religious reasons that motivate your actions, that is sufficient to raise a free exercise claim under that provision. The Religious Freedom Restoration Act and its interpretation here is important, because Congress, when it enacted that law, thought it was interpreting the First Amendment. And there's a fair amount of case law that suggests this more capacious understanding of free exercise of religion, that is in order to raise an exemption claim, or a free exercise claim more generally, you don't have to argue that your religious views compel you or obligate you. It's enough that you're acting according to your religious way of life. And if that's correct, and I think it's clearly correct as a matter of statutory law, I think it's also correct as the best interpretation of the First Amendment, then Blackmun's argument just never gets off the ground, regardless of whether Reform Jews have religious obligations. He's just misunderstood the law.

Joshua Holo: That's a relief. [chuckle] But it's interesting nevertheless that you quote the Religious Freedom Restoration Act and you cite the clause that says that it protects, "Any exercise of religion, whether or not compelled by or central to a system of religious belief." And the reason it's interesting is because you and I kicked off our conversation and indeed you lead the article that we're referring to in slate.com with the concern that the free exercise clause here, which you're relying on, is gobbling up the establishment clause, and you end up in the same article reasserting the free exercise clause for the sake of this argument. Is that a fair assessment of yours in Dahlia Lithwick's article? And if so, if you take the free exercise clause to its logical conclusion as cited by you, how can it not gobble up the establishment clause?

Micah Schwartzman: This is a great question, and it asks whether there's some kind of underlying hypocrisy in the framing of our argument. So on the one side, we're like, "Look, the free exercise clause looks like it's expanding and expanding, and the establishment clause is contracting and contracting. But here we are responding to Blackmun saying, "No, you've misunderstood the free exercise. It's even broader than you thought it was." How do Schwartzman and Lithwick make sense of that kind of argument? That's how I understand your question. And I think there are two kinds of answers here. The first kind of answer is the way that Blackmun's argument works is to say, "I have a really expansive understanding of the free exercise clause." It just doesn't apply for liberals. And so part of what we wanna say is, wait, wait, wait a minute. I mean, if you're gonna have a really expansive understanding, as the Supreme Court does, of the free exercise clause, then it ought to apply to everybody. If you're gonna do this, if you're gonna say that Hobby Lobby gets an exemption and conservative churches and orthodox synagogues get exemptions when it comes to, let's say, COVID public health restrictions, and if you wanna say that some people get exemptions from vaccinations, for example, when they raise them, it seems a little strange to turn around and then say.

Micah Schwartzman: "We've got this incredibly broad free exercise clause." And our understanding of it is quite capacious.

Micah Schwartzman: But lo and behold, it turns out that Reform Jews and other liberal and progressive believers don't get to make claims underneath it. That would be quite a shocking turn of events. The second thing I want to say is, look, you can have a quite broad understanding of the free exercise clause in terms of what triggers a claim, what raises what I would call a prima facie claim. That is, it says, "I have a burden on my religion, but just because you have a burden on your religion doesn't mean that the government has to grant an exemption. There's a lot more that has to be argued, even if you can trigger the initial inquiry into whether an exemption is required. What Blackmun was saying is we don't even have to take seriously the arguments of Reform Jews because they don't have any obligations. And so the claims for exemptions never even get off the ground. That is at the very first stage of stating a claim, courts could kick out these arguments and we're saying, "No, no, no, you have to acknowledge that there is a burden on people's religion here." And then there's a further question. "Does the government have powerful interests?" For example, in not granting the exemption? There's a balance that has to be struck in these types of situations, and there might be really important government interests in protecting our safety, for example.

Micah Schwartzman: So just to give you an example, outside the abortion context, I might say I have a religious reason not to get vaccinated. I have religious objection to vaccination. Reformed Jews, Orthodox Jews don't have such objections on religious grounds but a Christian scientist, for example, might or there might be other religious believers who have sincere objections. But that doesn't mean that the government can't require vaccinations, it means the government has to say, "Look, it's really important in the middle of a pandemic that people get vaccinated." And that might be a sufficient reason to compel people, even if they have religious objections. When exemptions would end up hurting other people, especially in those kinds of circumstances, the government might override a religious objection. But Blackmun's argument is, "Reform Jews don't even have a religious objection. They can't even make the first step in the argument."

Micah Schwartzman: And what Dahlia and I are saying is, "That can't be right." You can't knock out the beliefs of liberals and progressives on religious grounds in the way that he is suggesting. You have to run through the entirety of that analysis and you have to evaluate whether the government has powerful reasons to reject their arguments. So there's a whole another set of arguments that would have to come into play in the abortion context, that we don't get to in the response that we gave to Blackmun. We're just talking about whether at the very beginning of arguments about exemptions, whether Liberal Jews and other progressive believers have standing, in effect, to raise those kinds of claims.

Joshua Holo: Right. Effectively you're heading him off at the pass from divesting us from our status as a religious community at all.

Micah Schwartzman: At least as a community that has protection under the most important provisions for guaranteeing our religious freedom, which is the free exercise clause of the First Amendment. Blackmun is basically saying we wouldn't be able to raise claims under under that clause. He's certainly saying in the abortion context. But again, I think the implication of his argument is much broader than that. I think Blackmun's argument reflects a view that ought to get the attention of Reform Jews more generally. And that argument is that liberal Jews and as I've been putting it, other liberal and progressive believers, it's not really serious religion. This is a kind of secularism or kind of paganism, but it's not really to be taken seriously as a set of religious commitments.

Micah Schwartzman: I think that views has some traction on the right, the social conflict in the United States is a conflict between Orthodox believers, mostly conservative Christians, and secularists and reformed Jews are just a part of that secularism, they're not liberal religious believers. Or if they are, they're just kind of slouching into a kind of secularism. That's the way that they array the conflict. And they see the Free Exercise Clause as protecting those orthodox commandments. And those predictions don't have to embrace people who are secular, so they don't have to embrace people who have liberal religious beliefs.

Micah Schwartzman: Maybe that's understood within Reform Judaism. And maybe that's just part of a long ongoing critique of the reform movement from the right from Jewish orthodoxy. And now, even more broadly from conservative Christianity, but it's out in the open now. It's being couched in legal terms. And Blackmun, I just think, I don't think it's novel to him. I just think he expressed it quite vividly, gave it a doctrinal hook, that ought to worry us, but I... If it's a shot across the bow for many reformed Jews, I hope they see it. Hope they see that they're a part of a cultural politics, in which their views are denigrated, and disrespected on the right. They're not seen as really part of the American religious community. They're seen as hostile to it. I think that's a dangerous thing for liberal Jews for progressive and liberal believers more generally.

Joshua Holo: The reason this is so urgent, and the reason your article is so welcome, among other reasons, is that Blackmun has basically hijacked that otherwise internal Jewish spat amongst modernists who embrace modernity. And traditionalists who need somehow to fend it off. If I'm oversimplifying, but to both sides, I hope they'll forgive me, but has hijacked that family disputes, and thrusted into the American civic conversation in a way that puts at stake our liberties and human rights in ways which are truly harrowing, alarming, and that undermine the very, very basis of American Judaism's vibrant, dedicated, sincere and glorious patriotism in America, and constitutional love.

Joshua Holo: That is one of the most generalizable attitudes in American Judaism. And really one of the great beauties of the American Jewish experience as a contribution to the American experience, and the notion that that should be thrust under the bus is so, so disturbing, not as a Jew, but as an American. Also as a Jew, of course, but But it's just shocking.

Micah Schwartzman: I hope your audience will hear that.

Joshua Holo: They'll hear. I'd like to close out with a question about the recent Dobbs case that overturned Roe v. Wade, for most people in the United States who were paying attention. It was preceded by Samuel Lidos draft that got leaked, and made it pretty apparent before the decision came down where it was going. Nevertheless, I wanna ask you, despite that preview, as it were, did anything about the Dobbs case or the Dobbs decision, surprise you?

Micah Schwartzman: Yes, there were a number of surprises. One is that the majority of the court that issued the final decision in Dobbs didn't really make any significant revisions after the leak. And that's despite intense criticism of the leaked draft. And I think one of the most important set of criticisms of that draft had to do with the draft's failure to deal with arguments about the equality of women and the importance of a right of abortion, to women's equal citizenship and our democracy.

Micah Schwartzman: The draft has less than two paragraphs to say about an argument that has been crucial and has been well developed and grounded over the last few decades. And it just says almost nothing about that. And they had an opportunity to revise in light of those criticisms, it wouldn't have changed the outcome in this case, but they might have at least have addressed some of the most important reasons why women's autonomy and why a right to terminate a pregnancy are important as part of our democratic understanding of what it means to be an equal citizen in our country. They just didn't have anything to say about those objections. And so it's surprising that they let the final draft stand in the face of those kinds of criticisms.

Micah Schwartzman: But beyond that, no, I think this was anticipated I think once the league draft was made public. And once it became clear that it had majority of votes that the outcome wasn't, in my view, all that surprising this Court was built to deliver that result. It turns back many decades of rights protections. But I think also it's worth seeing that it's part of a larger trend. Dobbs was decided, within days of decision that struck down on gun control at the state level. And that authorized prayer in public schools, at least to some extent. And those three issues, abortion, guns, religion in the public sphere are important to the conservative legal movement and to the conservative movement more generally. And this Supreme Court is delivering on what that movement has demanded of it.

Joshua Holo: Well, Professor Micah J. Schwartzman, I wanna thank you for a really profound and fascinating conversation on some of the most pressing issues facing the nation. And for taking the time to speak with me on the College Commons Podcast. I really appreciate it.

Micah Schwartzman: Thanks. It's been great talking with you Josh.

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