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Book Review

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many Old Testament precedents existed for modern social situations. For example, he saw Abraham as a model for the modern worker and Amos as the model for the prophetic voice of the modern age. It is here, then, that Werner develops his parallel between Amos and Husslein (pp. 43-46).

Chapter 4 presents Husslein's understanding of the social situation in the United States of his time and his solutions to what he took to be its central problems. Unlike many of his contemporaries (notably John Ryan with his "Semi-Socialism"), Husslein feared socialism and campaigned against it throughout his life. He argued that its materialism would deprive freedom and ultimately prove unworkable. Werner sees this repudiation of socialism as Husslein's greatest contribution to our time, giving us a window on "American Catholic fear of socialism" (p. 64).

Laissez-faire capitalism, however, suffers from the same materialism, which will inevitably lead it to oppress labor. Thus, Husslein rejects it, too. As an alternative to these materialistic economies, Husslein offered a system of voluntary communal cooperatives that drew from principles on which the medieval guilds were based.

Chapter 5 deals with Husslein's "A Catholic Social Platform," in which Husslein addressed a broad range of issues, including the role of the state, organized labor unions and union action, and the appropriateness of women in the labor force. And in chapter 6, Werner presents Husslein's massive project, "A University in Print," which sought to provide Catholic literature for the general public.

Overall, the book is too sparse to be considered a comprehensive historical interpretation of Husslein's thought. Nor is it a constructive claim about the applicability of Husslein's communal cooperatives for contemporary economies, although Werner clearly believes that Husslein's approach holds promise. Nonetheless, the book is a fine introduction to Husslein and his thought.

KEVIN P. LEE, *Chicago, Illinois.*

MAZUR, ERIC MICHAEL, *The Americanization of Religious Minorities: Confronting the Constitutional Order.* Baltimore: Johns Hopkins University Press, 1999. 196 pp. \$38.00 (cloth).

Eric Michael Mazur's dissertation (supervised by Phillip E. Hammond) argues that minority religious communities have had to "subordinate their distinct theological beliefs to the transcending principles of the majority articulated by the constitutional order, or they are forced to do so by the physical powers of the government" (p. xxv). To support this argument, he takes an empirical approach and focuses on the Jehovah's Witnesses, the Church of Jesus Christ of Latter-Day Saints (the Mormons), and Native American religious traditions. Each of these religious traditions represents one of the three ideal-type strategies Mazur identifies as a means of understanding how minority religious communities react to confrontation with the American constitutional order.

First, he claims that the Jehovah's Witnesses represent the ideal type of constitutional congruence (recognition and toleration of deviance by dominant culture). Mazur chronicles the years of litigation by the Jehovah's Witnesses involving charges of sedition, prohibitions against their practices of colportage, and challenges to their refusals to salute the flag. He argues that this history of litigation indicates a strategy of congruence because it led both to changes in legal doctrine to accommodate many of the Jehovah's Witnesses' practices (especially in the

The Journal of Religion

areas of free speech) and to changes in official Jehovah's Witnesses doctrine (from a doctrine of condemnation of governmental authorities to a doctrine of qualified respect).

Second, Mazur argues that the confrontations between the Mormons and the American constitutional order exemplify the second ideal-type strategy of conversion (adaptation of minority religious community to dominant culture). Unlike the Jehovah's Witnesses, the Mormons were in conflict with the American constitutional order both via the courts and via the legislature, and this conflict focused primarily on the Mormon practice of polygamy. Mazur maintains that the Mormons chose to capitulate to the dominant culture's vision of marriage to gain statehood for Utah and to prevent the federal government from dismantling the Church of Jesus Christ of Latter-Day Saints (e.g., disincorporating the church and liquidating its assets, including its temples).

Finally, Mazur contends that Native American religious traditions have resisted any modification of their beliefs and have pursued the third ideal-type strategy of conflict (minority religious community rejects and refuses to comply with dominant culture). He emphasizes that conflicts between Native American religious traditions and the American constitutional order have often focused on land considered sacred by Native Americans. In case after case, the courts have ruled that using this land for flood plains, ski resorts, and logging roads did not violate Native American free-exercise rights. Mazur maintains that these decisions have brought to light the dramatic differences between the American constitutional order's conception of land as a commodity (which grants individual owners, including the federal government, broad rights) and the Native American communal conception of land (which grants the community a custodial role over land, especially sacred land). Moreover, given the centrality of sacred land to Native American religious traditions, he predicts that these conflicts will continue without congruence or conversion.

From this empirical analysis, Mazur identifies several factors that are very helpful in explaining why some minority religious communities encounter confrontations with the American constitutional order. He claims that these confrontations can be explained by the following factors: (1) "a perceived proximity to Protestant Christianity as the best chance for intercultural translation," (2) "the acceptance of pluralism," (3) "the absence of territorial claims that directly threaten the source of constitutional authority," and (4) a worldview oriented primarily in time and not in space. (pp. 134-35). If a minority religious community substantially satisfies these factors, confrontation is unlikely. The greater the deviance from these factors, the more likely that confrontation will occur.

Unfortunately, the identification of these factors is in tension with Mazur's identification of the three ideal-type strategies (congruence, conversion, and conflict), which were based on the assumption that the American constitutional order is informed or dominated by Protestant Christianity. Although noting that the cultural dominance of Protestant Christianity has waned, he emphasizes that "the communities described here, and many others, have faced the overwhelming dominance of American Protestantism and its historically close association with the American constitutional order, and they have reacted to that dominance in different ways" (p. 27). Mazur himself argues that the factor of proximity to Protestant Christianity cannot be the sole explanation for these confrontations. He notes that many religious traditions, such as Hinduism, Buddhism, Islam, and Judaism, are far more distinct from Protestant Christianity than the Jehovah's Witnesses and the Mormons, but they have not experienced the same nature

or degree of confrontation with the American constitutional order. The role of Protestant hegemony is further diminished because, unlike Max Weber's famous work on *The Protestant Ethic and the Spirit of Capitalism* (New York, 1958), Mazur does not attempt to specify or define the substantive character of doctrinal beliefs of Protestant Christianity in order for us to measure this proximity and to understand how it informs the American constitutional order. Consequently, while the factual details of Mazur's discussion of these religious traditions support the multiple-factor thesis, his rhetoric too often suggests Protestant hegemony as the primary explanation, and it is not clear whether Mazur's ideal types can be satisfactorily modified to incorporate the multiple-factor thesis.

Furthermore, Mazur's preoccupation with Protestant hegemony also blinds him to the most compelling aspect of his empirical analysis. In the last chapter and in part of chapter 4, Mazur recognizes that one of the keys to understanding these confrontations has to do with territorial conflicts between minority religious communities and the federal government. This insight may be able to explain the experience of the Jehovah's Witnesses, the Mormons, and Native American religious traditions (and free-exercise jurisprudence more generally) better than his multiple-factor thesis. Mazur's empirical analysis uncovers the theocratic tendencies of the Jehovah's Witnesses and the Mormons and the radically different Native American conception of property rights that have both lead to territorial disputes with the federal government. Certainly, the individual cases have much more complexity and individuality than this suggests, but this commonality explains why these religious traditions are such a threat to the constitutional order. Thus, it should be understandable that religious minorities making competing territorial claims will present a threat to the constitutional order because, in Mazur's own words, "the strength behind the Constitution is grounded in the control of the land, and any challenge to that control can be met with indirect, but powerful, resistance" (p. 121). Despite difficulties with his claims about Protestant hegemony and his ideal types, I believe that Mazur's empirical analysis and identification of the key role of territorial conflicts in understanding confrontations between minority religious communities and the American constitutional order make an important contribution to the literature relating to the first amendment.

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THATCHER, ADRIAN. *Marriage after Modernity: Christian Marriage in Postmodern Times.* New York: New York University Press, 1999. 329 pp. \$60.00 (cloth); \$19.50 (paper).

Adrian Thatcher has written a courageous, commendably unpredictable book. He challenges both traditional family values and the separation of "plastic sexuality" from commitment and the procreative norm. He affirms marriage as sacrament while rejecting patriarchy and all oppressive applications of marital definitions and standards.

Thatcher confronts some harsh realities: "Marriage is frequently discovered to be a violent, loveless institution, and increasingly it is delayed, avoided and terminated" (p. 10). In the United States and Europe, the rate of marriage is declining, most marrying couples have cohabited first, and there is one divorce for every two marriages. As commentators increasingly note, divorce may improve the emotional well-being of adults without doing likewise for children. The economic status of women and children in the wake of divorce is likely to decline.