
Forum: Lloyd Burton's *Worship and Wilderness: Culture, Religion, and Law in Public Lands Management*

Lloyd Burton, *Worship and Wilderness: Culture, Religion, and Law in Public Lands Management*. Madison: University of Wisconsin Press, 2002. 312 pages. \$55.00 cloth; \$24.95 paper.

Introduction

Marianne Constable

In *Worship and Wilderness*, Lloyd Burton draws attention to an important and interesting constellation of law and society issues. Those issues involve the different ways in which European Americans, Native Americans, and formal U. S. governmental or institutional actors have treated land. A broad-ranging and thought-provoking study, as well as a controversial one, *Worship and Wilderness* takes on the question of “how culture, spirituality and law have combined to affect the management of public lands within the United States and how they may also affect the future” (p. 1). The following brief description of the work serves as background to the contributions of scholars—from law, anthropology, and theology—that follow.

While accepting seemingly standard accounts of the deplorable treatment of Native Americans by mainstream American institutions in the past, *Worship and Wilderness* holds out an unusual optimism toward the future. Burton claims that

the renewed appreciation for the divine in nature among the major religious traditions in the West - along with rediscovery of pre-Christian European Earthen spiritual traditions and growing respect for diverse religious traditions embodying those teachings - represents yet another historic shift in Americans' relationship to their natural environment. (p. 160)

Burton's cautious yet notable appreciation for the possibilities of what he calls “the diverse spiritual practices of Euro-American society” (p. 255) and their potential political and legal expression give him hope that management of public lands and monuments

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could happen in ways that would respect Native American ways and help heal some of the harms inflicted on their cultures.

Burton comes to this view by drawing on at least four disparate sources, which he integrates in this work: his own Buddhist practice, his work experiences and personal contacts with land managers and Native Americans, his knowledge of American legal history, and his concern for relations between doctrine and practice, law on the books, and law in action. Seeking to combine experience, observation, and insight with scholarship, Burton approaches the vexed matter of culture and cultural conflict. The book's 12 chapters center loosely around the case of what Native Americans call Bear's Lodge and whites call Devil's Tower. The creation myths around Bear's Lodge/Devil's Tower open the book; the eleventh chapter and the conclusion come back to them. A coauthored middle chapter describes the site; the conflict around it, both legal and otherwise; and the eventual compromise that was reached. Ultimately, a management plan called for rock climbers' voluntary compliance with a moratorium on rock climbing during the month of June, an important period for native religious practices. Burton writes that compliance has turned out to be 80–85%.

While Bear's Lodge/Devil's Tower is the hub around which the book revolves, every chapter provides a wealth of at times background information, at times case study material, in the service of grander arguments. The first, already mentioned, concerns an optimism toward possible future recognition of the sacred in nature. The second focuses on constitutional tensions in the governance of public lands between trust responsibility toward Native American peoples and the Establishment Clause of the First Amendment ("Congress shall make no law respecting an establishment of religion..."). The case studies of public land and resource management in the middle chapters can be read as independent stories and include a great chapter on how the wild American bison became the domestic "wooly cow." Showing the possibilities of aligning indigenous and other interests, but not shirking from the difficulties and failures in such attempts, these chapters offer a glimpse into the complications of ruling an ostensibly pluralistic, democratic and bureaucratic nation. Burton's attention to diversity—not only Native and European American attitudes and practices—but also the purposes of legislation and the mandates of federal agencies—contributes to understanding the subtleties and tensions of environmental, administrative, and constitutional law in action. The three essays that follow only begin to suggest the many approaches that law and society scholarship could take toward the rich issues raised in Burton's text.

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