

The Yoder Case: Religious Freedom, Education, and Parental Rights, by Shawn Francis Peters. Series on Landmark Law Cases and American Society. Lawrence: University Press of Kansas, 2003. viii, 199 pp. Bibliographical essay, index. \$29.95 cloth, \$14.95 paper.

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The U.S. Supreme Court's leading case on the Amish in America, *Wisconsin v. Yoder* (1972), is the focus of this short study by Shawn Francis Peters. As the subtitle suggests, *The Yoder Case* strives to make a contribution to the legal literature on such important matters as religious liberty, public education, and child rearing.

The Amish, a small, reclusive religious minority that had its origins in the Protestant Reformation of sixteenth-century Europe, began migrating in clusters to America in the 1730s, first settling in Pennsylvania. Eventually small groups of Amish established tight German-speaking communities throughout rural America, particularly in the Middle Atlantic States and the Midwest. Scores of Amish settlements, including several in Iowa, persist today. Mainstream America maintains a fascination with the Amish. Their resistance to modern technology and their withdrawal from mainstream culture make them a curiosity, while their work ethic and peaceful demeanor are often touted as model behaviors.

Ever suspicious of the encroachments of mainstream American society, the Amish have constructed a spiritual fence against worldly things. Their discipline dictates the wearing of unadorned clothing, the retention of the German language in the home, and the rejection of electricity and internal combustion engines. Recognizing the importance of learning the rudiments of reading and mathematics, Amish parents generally send their children to public schools through about the eighth grade. But attendance in American high schools is another matter: public education in the teenaged years, the Amish believe, has the potential to expose Amish children to the worst temptations and contaminations of American culture. By keeping high-school-aged children out of the classroom, however, Amish families risk running afoul of state compulsory education laws. That is what transpired in New Glarus, Wisconsin, in the 1960s, giving rise to the Supreme Court's *Yoder* decision.

In previous interactions with school authorities in other parts of the country, the Amish had established their own religious schools or avoided conflict by physically leaving the area of potential strife. In

fact, many of the Amish in New Glarus had migrated a few years earlier from Hazleton, Iowa, to dodge the Hawkeye State's compulsory education law. What made the New Glarus situation special is that a few Amish parents elected to "go to law," contrary to the religious and social principles of non-engagement in their faith. Accepting the financial assistance of the National Committee for Amish Religious Freedom, the Miller, Yoder, and Yutzy families retained the services of an experienced constitutional lawyer, William Ball. Working with local attorneys, Ball argued that the Wisconsin compulsory education law violated the right of Amish parents to the "free exercise" of their religion as protected by the First Amendment to the U.S. Constitution.

The lion's share of Peters's volume details the twists and turns in the *Yoder* case: the initial refusal in the 1960s of the three Amish families in New Glarus to send their children to Wisconsin schools; the decision—unpopular among many Wisconsin Amish—to fight the compulsory school attendance law in the courts; the litigation in the Wisconsin state courts; the curious U.S. Supreme Court decision on religious freedom rendered in 1972; and, finally, the impact of the case on the New Glarus Amish community in the 1980s and 1990s.

Peters excels in presenting the human dimension of the New Glarus case, making excellent use of participant interviews. His narrative offers some fascinating details not generally known about this litigation. For example, he documents a vindictive strain exhibited by the New Glarus superintendent toward the Amish students and their parents. He also reveals how the Amish settlement in this small Wisconsin community disintegrated a few years after the Supreme Court delivered its opinion in *Yoder*. The author's sympathy with the Amish litigants does not prevent him from offering occasional criticisms of the legal strategy of Ball and his associates. Nor is he unwilling to identify strengths in the state's arguments.

As case studies go, *The Yoder Case* is more narrowly focused than many other titles in the University Press of Kansas's Landmark Law Cases and American Society series. Peters's legal analysis of *Yoder* is accurate, but it is sketchy in spots. There is an extensive law review literature on *Yoder* that the author acknowledges but does not plumb. Moreover, Peters devotes little attention to the place of the case in the sweep of interpretation of the free exercise clause of the First Amendment or in the course of student and parent rights under the law. *The Yoder Case*, however, is written with the same simple elegance displayed by the author in his previous book on religion and the law, *Judging Jehovah's Witnesses*. For readers interested in midwestern history, *The Yoder Case* has much to offer.

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