When Rights Conflict: Wisconsin v. Yoder

Overview
Many of the most important conflicts in our society are not between good and evil, but between two goods. Since the terrorist attacks of September 11, 2001, for example, much debate has revolved around the conflict between security and liberty. Often, these kinds of conflicts play themselves out in the courts, ending up before the Supreme Court. In this lesson, students analyze a case study involving a conflict between two goods—education and religion.

Grade Levels
7-8

Objectives
Students will:
- Explain the facts of Wisconsin v. Yoder and the conflict represented in the case.
- Identify and evaluate arguments on both sides of the case.
- Form and defend a position regarding Wisconsin v. Yoder.

Materials
- Student Handout 1—Wisconsin v. Yoder
- Student Handout 2—Wisconsin v. Yoder: Analyzing Arguments
- Student Handout 3—The Wisconsin v. Yoder Decision
- Overhead Transparency—Tally Sheet
- Overhead projector and marker

Procedures
1. On the chalkboard, write a rule that at least some students are likely to see as an unjustified restriction on their freedom. For example: Skateboarding is not allowed on the school campus. Ask: What is the purpose of this rule? (To protect students’ safety) Why do some students think this is a bad rule? (Because it limits their freedom to do something they enjoy) Point out that people who like the rule and those who dislike it make their arguments based on something we all value—freedom and safety. Many of the important conflicts in our society are not between good and evil but between two goods. Often, the Supreme Court is called on to make decisions in these conflicts. Today, students will be analyzing such a case.
2. Organize the students into groups of three. Distribute Student Handout 1 (Wisconsin v. Yoder) handout. You may want to have the students number off and give them specific tasks. Designate a reader to read the “Facts of the Case” section aloud, a recorder to write the conclusions, and a checker to be sure everyone understands the case. All the groups should be prepared to answer two questions: What did the Wisconsin law say? Why didn’t the Amish want to obey the law?

3. Conduct a brief discussion of the facts of the case, checking for student understanding.

4. Next, tell students they will have the opportunity to make a decision on the case. To do so, they will need to know the arguments that were made on each side of the case. Distribute Student Handout 2 (Wisconsin v. Yoder: Analyzing Arguments) and direct students to read and discuss the handout in their groups. Groups should highlight or circle the arguments they find most convincing on both sides and then, as a group, discuss how they would decide the case if they were on the Supreme Court. After about 10 minutes, ask each group to take a vote—would they find in favor of the Yoders or the state of Wisconsin? What argument was most compelling in terms of reaching their decision?

5. Poll the groups and tally the groups’ decisions on the Overhead Transparency (Tally Sheet). Also tally the reason cited as most compelling by each group. Ask students if they think the Supreme Court agreed with their position. Distribute Student Handout 3 (The Wisconsin v. Yoder Decision) and go over the decision with students. According to these excerpts, what arguments were most compelling to the Supreme Court?
Wisconsin v. Yoder

The First Amendment says that “Congress shall make no law . . . prohibiting the free exercise [of religion].” But does freedom of religion outweigh a state’s right to regulate education? That was the question in the Supreme Court case involving a religious community called the Amish. The Amish people’s religious beliefs conflicted with a state law. Some Amish families did not want to follow the law. As you read, identify the law and the reason the Amish families did not want to follow it.

The Facts of the Case

The state of Wisconsin passed a law that said all children in the state of Wisconsin must attend school until they are 16 years old. But the Amish believed their children should only attend school until they were 14.

The Amish people live and work on farms in their own communities. They send their children to elementary schools so they can learn to read and do math. The Amish say that between the ages of 14 and 16, their children should study the Bible and learn how to do farm work. They believe that sending their children to high school will interfere with their religion. The Amish community believes in cooperation. Competition is not valued.

The Yoders and two other Amish families refused to send their children to the public high school. At first, they were fined for breaking the state law. The case was appealed and, in 1972, the Supreme Court heard the case. They considered the reasons and interests of both the state of Wisconsin and the Amish families.

What Do You Know?

1. What was the law that the Amish people did not want to obey?

2. What were the Amish families’ reasons for not obeying the law?
Wisconsin v. Yoder: Analyzing Arguments

Arguments for the State of Wisconsin

1. Children must learn about our government so they can vote and be active citizens. Thomas Jefferson said that an informed citizenry is essential to our nation’s well-being. The Amish are part of the United States. Their young people should learn what it means to be a U.S. citizen. They should study.

2. U.S. government and history. They will not learn this if they drop out at 14.

3. The Amish children have a right to choose whether to attend high school. If parents make the decision for them, the children are losing their chance for a better education. If children ever choose to leave the Amish community, they will not be prepared for life outside. They will not have the knowledge or skills they need to hold a good job, go to college, or seek a better life. They should have a voice in this case.

4. The state of Wisconsin provides an education for every child in the state in order to help them live a good life. Public education helps achieve the goals of the government set forth in the Preamble to the Constitution. Education helps “form a more perfect union” and “promote the general welfare.” The state has a compelling interest in ensuring that every child is educated for adult life.

Arguments for the Amish

1. If Amish children attend high school, they may give up their Amish religion and way of life. First, high school stresses individual achievement and competitiveness. The Amish stress cooperation and community instead. Second, the Amish live simply. They do not use modern technologies. When Amish students see classmates using I-Pods and cell phones, they will question their religion. Friends may tempt them to use drugs or drink alcohol. This would threaten the Amish religion and way of life.

2. Parents have a right to teach their religion to their children. The First Amendment guarantees freedom of religion. The Supreme Court has ruled that the First Amendment applies to states. Thus, the state of Wisconsin cannot prohibit free exercise of the Amish religion. Part of exercising one’s religion is deciding how to teach it to young people. The Amish believe they can do this best if their children do not go to high school.

3. Two years of high school education will not prepare Amish children for life on their farms. In high school, students learn academic subjects like English literature, U.S. history, algebra, and foreign languages. What they need to learn is how to plant the crops, how to raise animals, how to preserve food for the family, how to build a barn, and other practical skills. Amish children can best learn this by working on their family farms.
Student Handout 3

The Wisconsin v. Yoder Decision

The U.S. Supreme Court decided in favor of the Amish by a 6-1 vote (two Justices did not participate in the decision). The Court made the following findings:

1. The State’s interest in universal education is not totally free from a balancing process when it impinges on other fundamental rights, such as those specifically protected by the Free Exercise Clause of the First Amendment and the traditional interest of parents with respect to the religious upbringing of their children.

2. Respondents [the Amish] have amply supported their claim that enforcement of the compulsory formal education requirement after the eighth grade would gravely endanger if not destroy the free exercise of their religious beliefs.

3. Aided by a history of three centuries as an identifiable religious sect and a long history as a successful and self-sufficient segment of American society, the Amish have demonstrated the sincerity of their religious beliefs, the interrelationship of belief with their mode of life, the vital role that belief and daily conduct play in the continuing survival of Old Order Amish communities, and the hazards presented by the State’s enforcement of a statute generally valid as to others. Beyond this, they have carried the difficult burden of demonstrating the adequacy of their alternative mode of continuing informal vocational education in terms of the overall interests that the State relies on in support of its program of compulsory high school education.

4. The State’s claim that it is empowered, as parens patriae, to extend the benefit of secondary education to children regardless of the wishes of their parents cannot be sustained against a free exercise claim of the nature revealed by this record, for the Amish have introduced convincing evidence that accommodating their religious objections by forgoing one or two additional years of compulsory education will not impair the physical or mental health of the child, or result in an inability to be self-supporting or to discharge the duties and responsibilities of citizenship, or in any other way materially detract from the welfare of society.

In a partial dissent, Justice Douglas argued that the views of the Amish children should be weighed, writing that if a child is “harnessed to the Amish way of life,” and his education stopped,” his entire life may be stunted and deformed.
### Tally Sheet Court Decisions

**In Favor of the Amish**

**In Favor of Wisconsin**

#### Most Compelling Reason

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<th>Reason</th>
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<tr>
<td>Children must learn about our government so they can vote and be active citizens.</td>
<td>If Amish children attend high school, they may give up their Amish religion and way of life.</td>
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<tr>
<td>The Amish children have a right to choose whether to attend high school.</td>
<td>Parents have a right to teach their religion to their children(freedom of religion).</td>
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<tr>
<td>The state has a compelling interest in ensuring that every child is educated for adult life.</td>
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