

**Do Amish One-Room Schools Make the Grade?
The Dubious Data of *Wisconsin v. Yoder***

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Abstract: *Wisconsin v. Yoder*, 406 U.S. 205 (1972), allowed the Old Order Amish to limit their children's education to eight grades in private, one-room schools that resemble those of the nineteenth century. An important factual claim in *Yoder* was that Amish one-room school education was as effective as that provided by modern public elementary schools. This claim was supported by a statistical study directed by John A. Hostetler, the chief expert witness for the Amish. I show here that Hostetler's data and findings should not have been taken seriously. I bring this charge not to urge that the Amish be herded back to public schools but to support a position I advanced in *Making the Grade* (Chicago 2009). I argued there that school district consolidation from 1900 to 1970, which eliminated public one-room schools, was driven by popular demand for high school education and not, as is commonly assumed, by the top-down commands of state bureaucrats. It appears that the Amish maintain one-room schools for the very reason that nonAmish voters agreed to abandon them in the twentieth century: The education they provide is inadequate preparation for high school. I conclude by questioning the relevance of *Yoder* for present-day Amish education.

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§1 Introduction: The Amish Challenge to Modern Education

American public school districts declined in numbers from about 200,000 at the beginning of the twentieth century to fewer than 15,000 in 2010. Almost all of this decline was the result of consolidation of rural one-room schools, which were usually the only school in their district, into large-area districts (Fischel 2009, chap. 3). This movement is regarded by education historians as the triumph of a top-down political process in which local interests were steamrollered by state officials and the professional educational establishment (Tyack 1972; Strang 1987). Implicit in this account is the idea that the one-room schools were doing a good job except for the fact that they were imperfectly bureaucratized.

My view of this transformation is different. The great majority of the consolidations had to be voted on by the residents of the districts involved or their locally elected representatives. Many districts refused for years to consolidate. The chief advantage of district consolidation was that it allowed rural and small town children to be streamed from multi-room, age-graded elementary schools into high school. The one-room school was well suited for spreading basic literacy and numeracy across the continent, but it was inadequate for preparing students for high school in the twentieth century.

I believe that the biggest incentive for consolidation was that failure to do so was hard on local property values. Rural depopulation began in the early part of the twentieth century, and the quality of rural schools was held to be responsible for much of the decline (Carney 1912). Rural farm owners and small town residents realized that their property values were adversely affected by poor schools, and consolidation was seen as a remedy. The opinions of property buyers, not the machinations of bureaucrats, induced rural voters to accept consolidation. As cities spread out later in the century, suburban residents colonized the consolidated rural districts and gave America the fragmented pattern of metropolitan-area school districts that we now take for granted (Fischel 2009, chap. 5).

The difficulty with my account is the lack of direct evidence connecting rural property values with local decisions about consolidation. In *Making the Grade*, I defended my position mainly by pointing out that consolidationists understood that they had to get local consent to make their plans work (Barron 1997). The geographic shapes of districts were not set at the county boundary, as most education professionals preferred. Consolidation plans that were accepted by local voters were drawn around “organic communities” whose boundaries only sometimes corresponded to pre-existing municipal or county borders (National Commission 1948).

An alternative way of testing my account is to look at the most persistent exceptions to the abandonment of one-room schools. The Old Order Amish (henceforth just the Amish) are a Protestant sect whose members persist in using much of the agricultural and household technology of the nineteenth century. When rural public schools that served the Amish began consolidating (circa 1950), most of the Amish left the public school system and recreated the one-room schools that were the dominant mode of American education in the nineteenth century (Johnson-Weiner 2007, 7; Meyers 2003, 88).

Amish education has been the subject of many anthropological studies. (My major sources specifically about education are Hostetler and Huntington [1992], Dewalt [2006],

and Johnson-Weiner [2007]. More general works about Amish life that also address education issues are Hostetler [1993], Kraybill [2001], and Hurst and McConnell [2010].) This essay employs them as a kind of time machine. I will show that the one-room school system they describe is a reasonable reproduction of schools that rural Americans surrendered in the twentieth century. Many commentators regard this surrender as a net loss. The great virtue of the one-room school was (and is for the Amish) the sense of local communal participation that it engendered. What is more controversial is the claim that the Amish one-room school is, with the possible exception of science education, the equivalent of eight grades in a modern school (Erickson 1966; Hostetler and Huntington 1992, 194; Cleary 2006). If this is the case, American education took an enormously expensive, socially disruptive wrong turn about a century ago.

The persistence of the Amish one-room school system and its endorsement in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), would seem to support that idea. The U.S. Supreme Court held that the free exercise clause of the First Amendment prevented the state from requiring Amish parents to send their children to school beyond the eighth grade. Although exemption from high school was its most important effect, *Yoder* also endorsed the nonstandard elementary education offered in Amish one-room schools. The Court did not actually call them one-room schools, but the Amish system of private schools to which it referred consisted largely of one-room schools, and the *Yoder* opinion noted that Amish schools were “in many respects like the small local schools of the past” (406 U.S. at 212). Chief Justice Burger noted that “Amish children in the eighth grade achieved comparably to non-Amish children in the basic skills” (406 U.S. at 225, n.13). I will show that the study on which this claim is based is badly flawed. One-room schools may serve the Amish well enough, but that is because they do *not* want access to the secondary education that most other Americans wanted.

§2 The Amish Are Unromantic Communitarians

The Amish live almost exclusively in rural areas of the United States, with a majority in Pennsylvania, Ohio, and Indiana. Amish life in general evokes popular images of an earlier America. Their old-fashioned clothing, horse-drawn buggies, and tidy farms remind people of the prints of Currier and Ives and the art of Grandma Moses. Their farming is conducted with what at first glance appears to be the technology of 1870s America. (I will use “1870s” as a shorthand for the latter half of the nineteenth century, when most Americans were still farmers and before the automobile, telephones, and electric power transformed rural life.)

The defining aspect of Amish farming and transportation is the horse rather than the tractor or the automobile. Some Amish communities allow limited use of tractors, but they are usually disabled for road use by having steel wheels. Many Amish farms will use some gas-powered machinery for harvesting grain and other field work, but the machines are usually drawn by horses. (As indicated by the “usually” and “some” modifiers, there is diversity among Amish communities, whose rules, limned below, are locally determined.)

An Amish household is also managed much like that of the nineteenth century. Their division of labor requires that women and their daughters do housework and cooking as well as some farm chores, while men and their sons work full time on the farm or in rural businesses. The most striking aspect of the household is that it is “off the grid.” Amish

homes are not wired for external power or communications. They do not use radios, in-house telephones, televisions, or computers.

Most Amish live on farms, and a sizable percentage still derive most of their income from agriculture. Farming is, however, a declining occupation. Their large families—six or more children are common—have outstripped the supply of land in their traditional settlements, and declining commodities prices make it more difficult for those who do have farms to make even the modest incomes that satisfy Amish needs. As a result, a majority of Amish are now engaged in rural handicraft enterprises or are employed as relatively unskilled workers in small-town businesses owned by both Amish and non-Amish employers. However, all Amish continue to keep modern technology at a wary distance within and around their rural homes.

The reason the Amish use antiquated technology in their homes and farms is rather different from that of nineteenth century Americans. Ordinary 1870s American farmers lived off the grid and used animal power because it was the best available technology. Non-Amish farmers happily adopted electric appliances and motor vehicles as they became available at a price they could afford. The Amish live the way they do because of the pervasiveness of religion in their lives. Their communities might best be described as a communitarian, patriarchal theocracy.

The Amish are “Anabaptists,” a term that seems to suggest they are against baptism but really means they perform only adult baptism. In the German-speaking regions of Europe where they originated, they and other Anabaptists were severely persecuted for this seemingly minor variation in Christian practice as well as for their steadfast refusal to serve in the military or otherwise use violence to defend themselves, their property, or their countrymen. They emigrated to Pennsylvania in the eighteenth and nineteenth centuries and gradually spread westward (Nolt 1992, 56).

Among the Amish, adult baptism must be freely chosen by both men and women, and the choice is usually made in their late teens. Baptism is not just a covenant between the deity and the person who chooses it. It is a commitment to abide by the rules of the Amish community and conscientiously serve it. Those who accept baptism agree to submit to the ordinances and understandings that are collectively known as the *Ordnung*. It governs virtually every aspect of Amish life from the style of clothing to the method of constructing barns. The *Ordnung* is interpreted by their unpaid clergy, who are chosen for lifelong service by lot from a slate of men nominated by the congregation. The chief Amish minister is called a bishop, but he heads no more than two congregations of this decidedly decentralized religion. The clergy will not impose or countenance important changes in the *Ordnung* without obtaining the consent of the men and women of their congregations. As theocracies go, this one is pretty democratic.

The *Ordnung* mediates the tension between the modern economy and the Amish desire to maintain their way of life. It dictates that they must not own automobiles but may ride in cars and buses operated by non-Amish drivers. The types of nonfarm jobs and businesses that Amish may engage in are likewise subject to collective control. Within the household, the local *Ordnung* might permit propane-gas powered refrigerators, but it prohibits electronics that would bring the outside world into their homes. All *Ordnung*s permit trade with the rest of the world for a limited variety of consumer and investment goods. Amish clothing and home furnishings are “plain and simple” but not entirely

homemade. It is not uncommon to see a van (owned and piloted by a non-Amish driver) parked at a Wal-Mart being loaded with staples purchased by a large Amish family.

The Amish are more suspicious of government than of modern business. Their *Ordnungs* disallow acceptance of government programs such as Social Security, Medicare and Medicaid. The Amish provide instead their own informal transfer systems for the sick, needy, and aged of their community. A series of Congressional laws dating from 1965 exempts them from federal payroll taxes in most instances (Kraybill 2001, 278). (Most Amish have modest money incomes, so they would have been net gainers from Social Security.) Most important for the present article, it is the *Ordnung* that determines that Amish children must not attend a formal high school, even if it were operated by co-religionists.

Amish theology requires them to be “not of this world,” and the *Ordnung* is the practical expression of this religious command for separation from worldly temptations. Otherworldliness does not mean monastic spirituality. The Amish are remarkably communitarian and equalitarian among themselves. But they do not attempt to convert others to their religion, and they discourage “English” seekers of a simpler life who would like to join them. (“English” refers to non-Amish persons generally; the Amish speak Pennsylvania German among themselves, and learning this folk dialect is itself a formidable barrier for would-be converts. Pennsylvania German was at one time spoken by members of several German immigrant sects, including some of my ancestors, but the Amish are now the principal speakers [Hurst and McConnell 2010, 15].)

Without converts, the Amish grow only by natural increase, and they have done so quite successfully. Although birth rates have declined somewhat since 1970 (Hurst and McConnell 2010, 100), the Amish still have large families, and new congregations are formed when membership exceeds about three dozen families. The limit on their numbers is primarily defection by young adults to other religions, most commonly their more worldly and geographically proximate Anabaptist cousins, the Mennonites. Defection rates have declined in the latter part of the twentieth century, and perhaps eighty-five percent of Amish children will now remain in the fold as adults (Meyers 1994). As a result, estimates of Amish population, which had dwindled to about 5000 in 1900, have grown from about 50,000 in 1970 to nearly 250,000 in 2010 (Kraybill 1994; Young Center 2011). They are not an endangered species.

§3 One-Room Schools Help Solve an Amish Economic Problem

The Amish have an unusual economic problem. They seem to be the antithesis of “*homo economicus*” in that they abjure most of the pleasures of a modern economy and aspire to a communal spirit that derogates individualism, competition, and personal ambition (Kraybill 2001, 29). (In these respects they seem rather different from the Jeffersonian “sturdy yeoman” to whom they were compared by the Chief Justice in *Yoder* [406 U.S. at 225].) Called “*Gelassenheit*,” this communal spirit would seem beyond economic analysis. But economics is the science of scarce *means*, not about particular ends. The Amish objective is to preserve their unique religious society by maintaining a separation from the world. Their old-fashioned ways are an important means of maintaining that separation.

The old-fashionedness is not by itself a static ideal. Twenty-first century Old Order Amish do things that those of the nineteenth century would never have been able to do.

They travel as passengers in cars, buses, and trains. In their business affairs, they use telephones located outside their homes and, increasingly, cell phones. The Amish accept modern medical care and use synthetic fabrics. Despite these accommodations, the Amish maintain enough of their old-fashioned ways to keep the rest of the world at a polite distance.

But the polite distance creates a major problem for their youth. Without converts, the Amish must preserve their way of life and religion by transferring it to their children and keeping them in the fold. The Amish tend to live in contiguous settlements of several congregations, but they have many non-Amish neighbors. The personal freedom and consumption opportunities of their non-Amish neighbors, tourists, customers, and business associates are constantly evident to them and raise the opportunity cost of remaining Amish.

The Amish maintain their adult cohesiveness by means of rewards and penalties. The benefits of conformity are a comprehensive system of spiritual and social support and, as noted above, a slowly evolving acceptance of modern conveniences and sources of income. And although the Amish are committed to hard work, most are not unusually ascetic. They visit one another to gossip, eat heartily, hold quilting bees, hunt and fish, tell jokes, and play softball. They read local newspapers and the tamer works of American literature. Controlled adoption of modern technology and consumer goods probably helps to hold families within the Amish fold. But leaders are aware that allowing too much modernity has also caused defections by families from liberalized Amish congregations to more conservative groups (Hurst and McConnell 2010, 35).

The penalty for baptized adults who stray from the strictures of the *Ordnung* is isolation from the community. Wayward Amish are not simply excluded from religious communion. If the excommunicated person does not make amends, he or she is also subject to shunning. A member who is shunned must be isolated socially and economically by the entire community, including members of his or her own family (Hurst and McConnell 2010, 84).

The extent and rigor of shunning have been at the root of many schisms among the Amish, including that which first separated the Amish from the Mennonites (Nolt 1992, 27). Shunning remains the most severe penalty that the Amish can mete out. Raised in a community in which communal bonds, egalitarian sociability, and collective salvation are paramount, Amish who are shunned endure a steep price that is mitigated primarily by the congregation's willingness to forgive those who publicly repent their transgressions and return to the fold (Kraybill 2001, 139). (The Mennonites, who usually do not shun defectors, could be thought of as having to increase the economic benefits to members—modern consumption opportunities—since the costs of religious disobedience are lower.)

Full-scale shunning is applied only to adults who have accepted baptism and then deliberately strayed. At age sixteen—two years after their terminal year (eighth grade) in school but before baptism—Amish boys and girls are given a year or two in which they can experience the world. During “Rumspringa” (running around), youth can drive cars, wear contemporary clothes, use modern technology, and socialize with non-Amish peers. (Rumspringa is more staid for adolescents in the more conservative Amish branches.) This period is normally followed by a decision to accept baptism and return to the strictures of the *Ordnung*.

The idea behind Rumspringa is that acceptance of baptism is more sincere if one has experienced the world outside first. But in fact most Amish youth are unprepared to use this time for anything more than slightly naughty recreation, and the great majority eventually accept baptism and embrace church obligations and, sooner or later, marriage to an Amish man or woman (Kraybill 2001, 186; Mazie 2005, 752). (Marriage to a nonAmish person is tantamount to apostasy; conversion of the would-be spouse is seldom an option.)

Amish youth's lack of preparation for meaningful engagement with the outside world during Rumspringa is largely the product of the limitations imposed on Amish youth by their one-room schools. The Amish know from experience that formal high-school education is extremely hazardous to Amishness (Hostetler and Huntington 1992, 104; Kraybill 2001, 176; Miller 1969, 5; Fisher and Stahl 1997, 88). More advanced education would open up worldly possibilities, and association with nonAmish students would undermine their commitment to the Amish way of life and pave the way out.

The limited curriculum of the one-room school, described in the following section, makes it difficult for Amish youth who might be inclined to try out higher education in their Rumspringa years. The delay of Rumspringa to age sixteen also makes it awkward for an Amish boy or girl to continue on to ninth grade in a regular high school, since most nonAmish students are typically two years younger. And it would be a remarkable youth indeed who would pass up the much-anticipated social freedom of Rumspringa to enroll in a high school, even if his or her parents permitted it.

The idea that the Amish limit education in order to discourage youth defections is supported by comparison with the Hutterites, a similar Anabaptist group who live in small-scale colonies in the northern Great Plains (Janzen and Stanton 2010). Their communal lifestyle—members have almost no private property—and geographic isolation allow the Hutterites to control their youth and adult members' access to outside influences more thoroughly than the Amish. For example, schools are located on colony grounds, and government-approved teachers come to the school and are minded by Hutterite supervisors. As a result, Hutterites permit somewhat more advanced education for their youth and are less squeamish about using modern technology in their homes and businesses.

My claims about the limitations of one-room schools may seem normatively loaded against the Amish, but it is not intended that way. Amish dedication to a limited education imposes few costs on the rest of society. Their religion-based norms constitute a comprehensive system of social control and insurance that functions like the government programs they refuse. Amish crime rates are very low, divorce is unknown, they pay their taxes (excepting Social Security and Medicaid), and they seldom become public charges.

The most obvious negative effect of Amish settlements on their car-driving neighbors is the hazard of slow-moving buggies on busy highways, but that is probably offset by the spillover benefits to the nonAmish proprietors of the tourist industry they have unintentionally created. Youth who leave the Amish are indeed undereducated for life “in the world,” as the Amish would put it, but there is little evidence that this creates social problems other than a glut of memoirs about what it was like to be Amish. Such books are in one sense testaments to the power of self-education built on the foundations

provided by the one-room school, but attention to them could cause one to overlook educationally stranded ex-Amish who lead lives of quiet desperation.

§4 Amish Schools Look a Lot Like 1870s One-Room Schools

Public schools were formerly an exception to Amish disengagement with government institutions. Before World War II, most Amish attended the same rural schools that their non-Amish neighbors attended. Amish fathers even served on some local school boards, which was a rare instance of engagement with a government agency. Because the Amish live in close proximity to one another, most of these schools had a large majority of Amish students. The main difference with their neighbors was that many non-Amish children would proceed on to high school after their eight grades of elementary school. The Amish would end their education and work fulltime with their parents until their sixteenth birthday, when Rumspringa would begin.

The Amish's long engagement with public schools unraveled when rural school districts were consolidated and the minimum school-leaving age was raised from fourteen (the age of most eighth graders) to sixteen. After a period of instability and nonviolent resistance to truancy laws, most states came to a special understanding with the Amish (Meyers 2003). Their children did not have to complete more than eight years of formal education, and the Amish could establish their own parochial schools with Amish-approved teachers. In Pennsylvania, Ohio, and Indiana, where a majority of the Amish reside, a program of home-based vocational education was required for another two years, but most of this involved home-based training that Amish teenagers would normally have received without state compulsion (Dewalt 2006, 88).

The similarities between Amish one-room schools and their late nineteenth century predecessors are strong. Schools in both eras were neighborhood affairs, and children usually walked to school (Fuller 1982). The 1870s one-room school building would often have been built by volunteer labor on donated land, as are modern Amish schools. Buildings might be financed by a local church district (as Amish congregations are known) or by a voluntary association of parents in the neighborhood. In the early nineteenth-century (pre-Civil War), one-room schools' operations were largely financed by tuition payments called "rate bills," which were collected within the local property-tax system (Beadie 2008). (By the 1870s, most states used taxes instead of rate bills.) The operational expenses of Amish schools—chiefly the teacher's salary—are also largely funded by parental tuition assessments (Hostetler and Huntington 1992, 55; Johnson-Weiner 2007, 154). In both the old rate-bill and the modern Amish system, provision is usually made to subsidize eligible children whose parents have difficulty paying tuition.

Amish one-room schools are modest affairs whose comforts largely reflect local home conditions, as rural schools generally did in the 1870s (Johnson-Weiner 2007). Modern Amish schools do not have externally-provided electricity or land-line telephone connections, and desks and furnishings are simple. The buildings are not especially quaint. They are often clad in aluminum or vinyl siding or built of cinder blocks. Many have only rudimentary indoor plumbing, and outdoor toilets are the rule in areas settled by the more traditional groups of Amish (McConnell and Hurst 2006, 244).

Teachers in 1870s one-room schools seldom had more education than their most advanced students. Early normal schools trained teachers for age-graded, urban education (Cuban 1984; Reynolds 1999). Amish teachers, who are almost always Amish

themselves, are likewise lacking in formal training beyond the eighth grade. Most are young, unmarried women, as was the case for 1870s teachers. Amish teachers get some assistance from brief training sessions offered by veteran teachers, as was common in 1870s schools as well. Tips for teaching are circulated by a national Amish publication for educators, *Blackboard Bulletin*.

Local Amish school directors, who are typically parents of those in the school, do the hiring and pay the teacher, as was the case in the 1870s. The pay scale reflects the opportunity cost of teaching, which for unmarried Amish women is relatively unskilled labor as a household worker (Hostetler and Huntington 1992, 105; Fisher and Stahl 1997, 91). As in the 1870s, male teachers are paid more and, perhaps for this reason, are employed less frequently (Perlmann and Margo 2001; Johnson-Weiner 2007, 158). Teaching in both the 1870s and the modern Amish setting was seldom regarded as a career. Most Amish teachers are unmarried young women who will stop teaching after their wedding (Dewalt 2006, 117), as was the case in the 1870s. The reasons for this withdrawal are probably the same in both eras: Being a farm wife and mother of a growing family in a rural household without many modern conveniences is a full time job.

I should not leave the impression that all Old Order Amish currently attend one-room (or two-room) schools. This is nearly true in Pennsylvania, but as many as a third of the Amish children in several Midwestern settlements attend multi-room public schools for at least a few years (Dewalt 2006, 91). Parents who do this want to improve their children's English language skills in their early elementary-school years. These public schools usually have a majority-Amish student body, and local authorities accommodate them by de-emphasizing topics like evolution—dinosaurs can be a problem—that the Amish prefer to avoid (McConnell and Hurst 2006, 247). Such exceptions notwithstanding, the vast majority of Old Order Amish children get most of their education in one-room schools.

§5 The Differences between Amish and 1870s One-room Schools

An important difference between modern Amish and 1870s school teaching is that Amish school boards actively discourage prospective teachers from getting a high school degree or its equivalent, let alone any college education (Dewalt 2006, 124). In this respect, Amish teachers are even less qualified than their 1870s counterparts, who sometimes arrived with high school or even college education, to which school directors did not object. Teaching in modern Amish schools thus actually represents a retreat from their former public schools of the 1930s and 1940s. Rural teachers in that era usually had a high-school diploma and perhaps some normal-school or college education (Cuban 1984, 122).

It should be mentioned, however, that Amish teachers are likely to be relatively better qualified than nonAmish contemporary women with a similar education. Eighth grade is a ceiling on Amish education, so they should not be thought of as dysfunctional drop-outs. Moreover, alternative job opportunities for Amish women are limited by their families and the *Ordnung*. As a result, it seems likely that Amish women who do choose teaching are better suited for it relative to their Amish peers. Modern nonAmish elementary school teachers have many more alternatives, and so many of the most able will have chosen other jobs (Bacold 2007).

The method of instruction in 1870s rural schools had to be adapted to many different age levels and accomplishments (Cuban 1984). The basic method was to group students in each subject by previous accomplishment. Because attendance by many children was irregular, a recitation group in intermediate reading (say) could include children who were ages 9, 11, 13, and 16. The older members were usually boys who had to work on the farm more regularly and thus attended school less frequently. Recitation group members would be assigned a passage to read and (usually) memorize. Another group might be assigned something in arithmetic, and another in spelling. They would study silently while the teacher examined another group in a subject they had been previously assigned.

Groups would thus rotate between what we would now call study hall—it was formerly called “seat work” and still is by the Amish—to the recitation bench and back throughout the day. A teacher who taught four subjects at three levels each would thus have twelve recitation groups per day. Over a six hour school day, each student’s group would on average recite for half an hour in each subject, and each student would have the teacher’s attention (in the student’s recitation group) for a total of two hours and be in study hall four hours a day. The long in-school study period meant that “homework” was never mentioned in any of the many accounts of nineteenth-century rural schools that I read, and it is rare in modern Amish schools (McConnell and Hurst 2006, 242; Dewalt 2006, 86).

In *Making the Grade* I argued (Fischel 2009, chap. 2) that the recitation method was effective for teaching basic literacy and numeracy for a population that was highly mobile, widely dispersed and whose children often could attend only part time. Young scholars, as they were called without irony, could attend for a few weeks of a school term, work on the farm for a few weeks, and then return. The returnees could join another recitation group and pick up where they left off. The 1870s rural schools did not have age-specific grades or even regular calendars (they often were held in the summer), so there was no need to start over in the same grade and waste time learning things already mastered. There were no “dropouts,” only scholars whose education took longer than others who attended more regularly. A “common school education” was complete when the scholar ran out of textbook material to learn. (One could thus interpret modern observations that some famous person of the past “dropped out of school” after a few years as possibly a sign of rapid progress rather than unhappy deficiency.)

The problem with the ungraded method was that only a few subjects could be covered during each school day. With the rise of high school and its increased economic payoff around the beginning of the twentieth century (Goldin and Katz 2008), most urban schools shifted to the now-standard age-graded method. This allowed a single teacher to teach several subjects to the same cohort of children. If she taught six subjects to the entire class who were all the same age, each subject would get one hour in the six hour day, and students would not have to be in “study hall” except when in-class seat work was part of the lesson plan.

The age-graded system was less viable in rural one-room schools. A teacher with a full eight grades and six subjects to teach would have forty-eight separate recitation periods. This amounts to seven and a half minutes per recitation period, or for the typical student, forty-five minutes of face time with the teacher (shared with his or her recitation

group compatriots). The residual time amounts to five hours and fifteen minutes of study hall or seat work per day.

Of course few of the one-room schools that tried to cover more than reading, spelling, and arithmetic literally followed such a schedule (Angus et al. 1988). They combined subjects (history and geography; math and science); they combined grades for certain subjects, for example by doing European geography in the same year for all grades (Johnson-Weiner 2007, 189); they even tried teaching even-numbered grades in one year and odd-numbered grades in the next (Burton 2000, 23). But twentieth-century one-room schools could not overcome the fact that there just was not enough time in a day to teach 30 children all of the material that eight urban teachers could teach 240 children in eight separate grades. Even with trimming the curriculum and combining classes, rural teachers often had more than two dozen daily recitations, averaging less than fifteen minutes (Cuban 1984, 123.) Curricular inadequacy was compounded by the social trauma that many rural children experienced when they progressed from a rural one-room school to the multi-grade, urban high school (Leight and Reinhart 1999). These educational disabilities finally made rural voters accede to the consolidations that state-level educators had been urging for over a century.

Modern Amish one-room schools do not have the problem of spotty attendance that added to the difficulty of age grading in 1870s schools. By all accounts, Amish children seldom miss school, and student misbehavior, which also complicated 1870s education, is a minor problem in Amish schools. But dividing students into eight grade-levels still runs into the inescapable problem of limited time. The modern Amish one-room school has responded to the time constraints by simply teaching fewer subjects.

The Amish do not believe in evolution, but they do not make a big deal about it because they teach very little science. History, social studies, art, and music are likewise given short shrift. Detailed accounts of Amish school proceedings indicate that almost three-quarters of each day is spent on reading, spelling, and arithmetic (Dewalt 2006, 95, 130; Fisher and Stahl 1997, 32). The opportunity to learn other subjects is also crowded by special language instruction needs. Most Amish children who enter first grade are not fluent in English, as their home language is Pennsylvania German. (English is used almost exclusively in school and for adult writing and business transactions.) More advanced students are taught classical German, which is the language of church services and their religious texts.

Religion is not, however, a prominent part of the curriculum (Hostetler 1969, 104; Johnson-Weiner 2007, 124). The school day begins with a prayer and perhaps the singing of a hymn and a Bible verse, but the tenets of Amish religion are taught only at home and, more intensively, in the pre-baptism classes led by a minister or bishop. Calling the privately funded Amish schools “parochial” schools can mislead outsiders into thinking that the Amish use them to catechize their children. Amish men would not in any case allow a young woman teacher to instruct their children in formal religious matters.

§6 The Yoder Decision and John A. Hostetler

By the 1960s, the Amish retreat from public education had been widely accepted by authorities in states where the largest Amish communities were located. Even where special legislation had not been passed and state courts ruled against the Amish desire to end schooling in the eighth grade, school officials lost their taste for confrontation with

the Amish. Amish fathers politely but steadfastly refused to send their children to consolidated public schools and were willing to endure jail rather than comply. In an especially heavy-handed incident in 1965, Iowa state officials attempted to force children in a one-room school onto a bus to transport them to a public school. Nationally circulated photographs of terrified, straw-hatted children running into cornfields to avoid what looked to many like a public kidnapping helped turn public opinion in favor of the Amish (Hostetler 1993, 265). Iowa's governor was forced to intervene and craft a compromise similar to that of other states that allowed the Amish to keep their one-room schools and avoid high school. Faced with unyielding, nonviolent resistance by an unthreatening people, most state legislatures let the Amish pursue their traditional path (Peters 2003, 125).

Amish separateness extends to their relationship with the legal system. They almost never institute civil litigation, and they seldom hire lawyers for any purpose. Where state and local education officials continued to insist on the letter of the law, Amish families would sell their farms and move to another state. The event that displaced the mostly ad-hoc agreements with individual states to let the Amish go their own way was the refusal of Amish in a Wisconsin community to send their children to a state-approved high school. (A nuanced source on the background of the controversy is Peters 2003.) Wisconsin had not worked out any accommodation for the Amish—their presence in the state was relatively recent—and in 1968 local public school authorities brought their truancy to the attention of state authorities.

The Amish themselves were unwilling to hire an attorney to defend themselves. A non-Amish organization founded by a Lutheran minister, William Lindholm (2003), who was provoked by the Iowa kids-in-the-cornfields incident, persuaded three of them to accept a legal defense. The lawyer who took the case pro-bono was an experienced appellate advocate whose career revolved around religious freedom issues. The judge in the trial court nonetheless held for the state of Wisconsin and fined the Amish parents token amounts for their noncompliance. The decision was appealed to the state supreme court.

Unlike other state courts with similar cases, the supreme court of Wisconsin ruled in favor of the Amish in *State v. Yoder*, 49 Wis.2d 430 (1971), specifically exempting them from post-elementary formal education requirements. Because this was contrary to other states' rulings based on the First Amendment's free-exercise clause, the state attorney general insisted on appealing the state decision to the U.S. Supreme Court. (The Wisconsin legislature voted overwhelmingly to oppose this appeal, but this action had no binding effect on the attorney general.) The Court granted certiorari and in a unanimous decision (with a partial dissent by Justice Douglas about the unexamined educational rights of the children), held in *Wisconsin v. Yoder* that the Amish parents did not have to send their children to high school and could maintain their own elementary schools with their curricula and teachers of their choice, subject to unspecified state regulations.

The organization that represented the Amish at trial and through its appeals had as its star witness John Andrew Hostetler, who could rightly be called the father of modern Amish studies. (For details of his life within a not-always-uncritical festschrift, see Weaver-Zercher 2005.) Born in 1918 to an Amish family in Pennsylvania, Hostetler attended public schools in Iowa through the eighth grade and then worked on the family farm. (His father had moved to Iowa after a dispute with his Pennsylvania congregation.)

John declined to accept Amish baptism. He instead joined a Mennonite church and, after conscientious-objector service in World War II, attended a Mennonite college. Hostetler earned a PhD in sociology from Penn State in 1953 and began a long and prolific career writing about the Amish and other Anabaptist societies. His *Amish Society* (1993) became the leading academic treatise on the subject, going through four editions starting in 1963, and he wrote numerous popular books and articles that sympathetically explained the Amish to outsiders. He died in 2001.

Hostetler's intimate knowledge of Amish life and fluency in Pennsylvania German helped him gain the confidence of his Amish subjects. Because he had declined baptism and thus not broken his vows in leaving the Amish, he was not shunned as an apostate. Hostetler by the 1960s was a professor at Temple University in Philadelphia, but his sympathies for the Amish were well known among his colleagues and the Amish themselves (Weaver-Zercher 2005).

Hostetler's study and testimony at the Wisconsin trial were enormously influential in the appellate decisions (Peters 2003, 93; Dewalt 2006, 41; Rosen 1977, 563). He explained the intimate connection between the Amish insistence on a limited education and their religious beliefs. Requiring Amish children to go to high school or mix with non-Amish children in modern, regional elementary schools would lead them astray. Moreover, a study Hostetler had done assured the court that the eight years of education in one-room schools would be just as good as in public schools. The study was noted in Chief Justice Burger's opinion:

n13 All of the children involved in this case are graduates of the eighth grade. In the county court, the defense introduced a study by Dr. Hostetler indicating that Amish children in the eighth grade achieved comparably to non-Amish children in the basic skills. Supp. App. 9-11. See generally Hostetler & Huntington, supra, n. 5, at 88-96.

The latter work referred to by the Court, Hostetler and Huntington (1971), summarized a study that Hostetler (1969) had undertaken with a grant from the U.S. Office of Education. The academic achievement results referred to by the Court were only part of Hostetler's extensive report. The tests and the statistical study were conducted by Wayne Edgar Miller. Miller in turn used the results as the centerpiece of his PhD dissertation in education administration at the University of Michigan, awarded in 1969. Among the five members of Miller's dissertation committee was one non-Michigan faculty member, John A. Hostetler.

Miller undertook graduate education while in his 40s (he was born in 1921), perhaps to augment his career prospects as an education administrator. (He seems to have had no publication beyond his dissertation.) Miller reveals in his dissertation (1969, 2) that he too was an admirer of the Amish, having been raised as a Mennonite in an Amish area of Ohio, and his knowledge of Pennsylvania German was probably of considerable assistance in conducting his study. Miller and Hostetler are reporting the same statistical study, but because each source adds a different perspective, I discuss both of them below but treat Hostetler as the principal investigator. (Although mentioned by both as a contributor to Hostetler's 1969 Office of Education project, Gertrude Huntington seems not to have been involved in the testing and the statistical study.)

§7 The Statistical Difficulties of the Hostetler-Miller Study

Hostetler's 1969 Office of Education project was an exercise in persuasion. While there is a gloss of objectivity—much of the background work reprises his scholarly *Amish Society*—the thrust of the report reads as a defense of the Amish way of life and their one-room school system, as Hostetler had intended from the outset (Weaver-Zercher 2005, 134, 236). On the basis of Miller's statistical study, Hostetler and Huntington (1971, 96), concluded, "As judged by education testing standards the overall performance of the Amish is similar to that of a representative sample of rural school children in the United States."

Here is how the study was done, as reported by both Hostetler and Miller. They selected fourteen Amish private one-room schools from the estimated universe of 236 (Hostetler 1969, 28). (By the year 2000, there were more than 1100 Amish private schools [Dewalt 2001].) The test that was the basis for Hostetler's comparative claims was a customized version of the Iowa Test of Basic Skills (discussed in the next section). The scores of the fourteen one-room schools were collectively compared to the same tests administered to both Amish and nonAmish children in six consolidated public schools in which students were divided by age cohorts—that is, they were multi-room schools with a teacher for each age-graded cohort. The Amish private schools included six from northern Indiana, seven from Ohio, and one from Ontario (Miller 1969, 116). The six public schools were in Ohio and Michigan.

The statistical problem begins with the selection of Amish one-room schools. Because the one-room schools were private, the researchers had to persuade many parties to allow them to conduct the tests (Miller 1969, 108). The interested parties included school directors, the regional Amish board, the teacher in the one-room school, and parents of the children involved. The authors found that consent was difficult to obtain. The Amish were suspicious of tests that might be used against their system. So the authors explained that the purpose of their tests was to help the Amish, and the schools would not be identified by name or specific location. (And they were not; nor were the public schools.) Even with these assurances, many schools declined. Hostetler admitted, "The possibility of obtaining a random sampling of all Amish children for testing was impossible and impractical" (1969, 50).

Those that did agree to be tested were indeed special. Summarizing the study, Hostetler and Huntington (1971, 90) explained, "The teachers were experienced, having taught no less than three years; they were considered by the community to be good teachers." Thus the Amish one-room schools were selected in a way that filtered out the inexperienced teachers and those who did not have a good reputation in the community. There was no indication of similar inquiries about the teachers in the public schools to which the Amish one-room schools were compared. Hostetler (1969, 165) wrote that they had "little difficulty" getting permission to test public-school students. The Amish private schools who consented to testing were also unusual among Amish private schools in that "A few teachers had one or two years of high school correspondence and one had an M.A. degree" (Hostetler 1969, 165). (Karen Johnson-Weiner indicated in a March 2011 email that the schools were in an area settled largely by more progressive Amish groups and thus might not have been representative of Old Order schools.)

The problems of getting the Amish to cooperate with the test administrators did not end with getting the consent of adults. Wayne Miller described the problems in more detail. The children in the Amish schools were unfamiliar with the tests. Miller (1969, 112) indicates that the test administrator (I think he meant himself) explained the tests carefully “with additional time provided to enable students and teacher to ask questions as they arose.” More surprising was Miller’s candid description of outright censoring:

“There was some difficulty with a very few students who tired quickly and marked their answer sheets at random, making some unusual pictures or number designs. *These few were excluded* from the total tabulation as invalid. A few pupils gave ‘wise’ and ‘curt’ answers on the fact sheet to questions that they may have thought personal or irrelevant, but *these were reviewed and corrected* before leaving the school. Less than ten of these had to be revised after an explanation of the importance of accurate answers was given to the pupils.” (Miller 1969, 114, my emphasis).

It is not entirely clear that these extraordinary interventions were applied only to Amish children in the sample, though Miller’s context of discussing only Amish problems with the tests strongly suggests it. Nor was it clear that any of the interventions affected the Iowa Tests of Basic Skills, which were the basis for Hostetler’s claim of Amish educational equivalence. Several other tests measuring aptitude and personality traits were also administered. But at the very least, Miller’s observations reveal more than a mere inclination to root for the Amish. Even after selecting schools in a way that favored the Amish, Hostetler’s team was willing to censor responses that would have made Amish schools look bad.

Table 1 contains the number of schools and children tested, some demographics of the children, and the grouped Iowa Test results for the groups of schools tested. Miller (I presume) had asked the test takers questions about their backgrounds, which were reported by Hostetler (1969, 52). Table 1 reports all of the information about the eighth-grade tests that Hostetler and Miller published, but Hostetler (1969, 172) added some discussion of tests in earlier grades (not reported in Table 1), which did nothing to change his conclusions. There was no reported attempt to use the data in multiple regression analysis.

As indicated in Table 1, all of the schools are quite small, as can be inferred from the average number of eighth graders who took the test. The fourteen Amish one-room schools (column 1) had the smallest eighth-grade cohorts, about 4 in each. The largest unit, the public school that had no Amish (column 5), had only 27 eighth graders, which would normally mean they were from a single classroom. It is possible that the five public schools that had at least some Amish pupils (columns 2-4) combined some grades (say, seventh and eighth), since their average class size is small, but it is clear from the low percentage of pupils who walked to school that these were consolidated elementary schools of the sort that Amish were said to want to avoid. (This begs the question of why Amish children were attending such schools, but later authors have indicated that many rural public schools, especially in Ohio, strive to accommodate the Amish in their jurisdictions [Hurst and McConnell 2010, 156].)

Table 1
Sample Characteristics and Iowa Test Scores,
Amish Private One-Room Schools and Public Schools

	Col. 1 Private 1-Room Amish	Col. 2 Public all Amish	Col. 3 Public half Amish	Col. 4 Public half nonAmish	Col. 5 Public all nonAmish
number of schools	14	2	3*	3*	1
8th graders tested	61	28	26	34	27
8th graders/school	4.36	14	8.67	11.33	27
avg family size	8.5	7.7	7.3	4.2	4.3
time in same home	11.5 yrs	13.5 yrs	10.5 yrs	7.1 yrs	6.5 yrs
walk to school	70%	9%	0%	11%	11%
family farmers	75%	63%	58%	9%	30%

**Iowa Test scores relative to national mean,
in years.months**

arithmetic problems	1.06	1.14	0.02	-0.83	-0.19
word usage	0.64	-0.37	-0.37	-1.22	-1.9
spelling	0.51	0.09	0.28	-1.16	-0.83
reference use	-1	-0.34	-0.74	-0.95	-0.55
reading	-1.2	-1.34	-1.2	-1.23	-1.14
vocabulary	-1.61	-1.86	-2.23	-1.09	-0.7

Source: Hostetler 1969, pp. 51-53, 170; Miller 1969, pp. 124-135.

* There are three, not six schools in columns 3 and 4 combined. "Half Amish" and "half nonAmish" schools are approximations of the proportions in the three schools that Hostetler and Miller designated as "mixed" schools.

The clearest demographic differences between the Amish (columns 1-3) and the nonAmish (columns 4-5) are the Amish's larger family size, lower mobility (as judged by years in same home), and larger percentage of families who are farmers. The test scores themselves are arrayed (in my Table 1) in the order of those in which the eighth graders in the Amish one-room-schools did best. The scores were reported as deviations from a national grade-equivalent mean for Iowa Tests, to be read in years (to the left of the decimal) and months (after the decimal point) above or below the average. (Neither author explained the meaning of the second digit after the decimal point, but I will take it as tenths of a month or two school days.) Thus the eighth graders in the Amish one-room school (column 1) had a score of 1.06, which is one year and six-tenths of a month above the national grade norm for arithmetic problem solving.

Both Miller and Hostetler report the results of analysis of variances between the groups of eighth graders in each of the columns. Thus, for example, Miller (1969, 135) finds that the mean arithmetic score for the 61 Amish one-rooms (column 1) is significantly higher than the 34 nonAmish students in the three mixed public schools (column 4). (Same in Hostetler 1969, 318.) These comparisons are potentially misleading.

The issue examined by Hostetler and Miller is the quality of Amish one-room *schools* versus public consolidated (presumably multi-room) schools. The number of observations for that purpose is fourteen one-room schools and six public schools. Counting each of the eighth graders as a relevant observation in a statistical sample makes the sample look artificially large. One needs enough student scores to reliably infer something about each school (something achievable for the one-room schools only by grouping them), but confidence in the differences in school averages does not add to the number of schools compared. The more important sample here is not the students but the twenty schools, and this is way too small a sample to make confident generalizations, even if the sample had been randomly chosen.

The most logical test of this small sample would be to compare the Iowa-Test scores of the 61 children in the Amish one-room schools to those of the 115 children in the six public schools. After all, the policy issue addressed by Hostetler in this study is the effectiveness of one-room schools compared to public, multi-grade schools. On this basis the fourteen Amish one-room schools come out looking a little better than the six public schools. The public school eighth graders were slightly better in the tests on vocabulary and use of reference materials, while the Amish one-room scholars were distinctly better in arithmetic problem solving, word usage, and spelling. Reading comprehension was about the same for both groups. It is notable that the students in all schools are below the national grade average in a majority of the areas tested, though it is conceivable that this characterized small rural schools generally in the late 1960s.

Hostetler (1969, 287) expanded his discussion of these results to examine the scores of all the Amish students, including those in private Amish schools, "all Amish" public schools, and "half Amish" public schools (columns 1-3), and compared them to those of the nonAmish students (columns 4-5). This makes the scores for "the Amish" look more favorable (particularly in arithmetic), and it is not always clear when Hostetler elsewhere talks about "the Amish" whether he means only those in private one-room schools or in all schools. But this latter procedure further muddies the waters, since it combines two different issues, one about one-room schools and another about the Amish in general. In

any case, it should be evident from my previous discussion of sample bias, irregular testing procedures, and the meager number of schools to be compared that any generalizations based on this study should have been made with many qualifications.

§8 Why One-Room Schools Cannot Be Compared to Multi-Room Schools

The second major problem with the Amish-school study was its exclusion of academic subjects to be tested. The Iowa Tests of Basic Skills were widely used by schools inside and outside of Iowa as a diagnostic tool. For the eighth graders in Hostetler's study, the Iowa Tests were given for "vocabulary, reading comprehension, spelling, word usage, knowledge and use of reference materials, and arithmetic problem solving" (Miller 1969, 112).

This sounds reasonably comprehensive, but it actually represented only about half of the Iowa Test battery. Not administered were the tests for "capitalization, punctuation, map reading, reading graphs and tables, and arithmetic concepts" (Miller 1969, 112). Hostetler excluded these because the Amish did not study them with the same intensity as the other areas. This makes the high Amish scores in arithmetic (the area they did unambiguously score better than nonAmish) seem less clear. "Arithmetic problem solving," which the Amish were good at, is different from "arithmetic concepts," which were not tested. But the latter skill, which Hostetler (1969, 112) refers to as "new math," is most useful for doing any further work in mathematics. Nor were other Iowa Tests of quantitative skills, such as interpreting graphs and tables, included in Hostetler's customized battery.

There was another Amish advantage of using the Iowa Tests as they were then constituted. The Iowa Tests do not test all of the subjects that are normally taught in elementary schools. They did not test social studies, science, history, or geography. (The 2010 Iowa Tests do include these subjects.) As described previously, teachers in Amish one-room schools spend much less time studying these subjects because they have so many grade-levels to teach. They also seldom offer formal art or music instruction. Some of these exclusions are for religious reasons—drawing human forms is discouraged—but also for practical reasons. Time per student is severely limited, and there is no reason to set a foundation for learning for high school or beyond.

The critical but unstated advantage that this confers on the Amish one-room school is that most of the students' normal school time is spent on the subjects that Hostetler selected for testing. Thus the drawback of the one-room school—the single teacher having to manage many short recitation sessions—is offset by having the tests exclude the subjects she has does not have time, parental permission, or personal knowledge to teach.

The comparison of Amish one-room schools to public schools is set up to look as if both Amish (in one-room schools) and public-school students spent the same fraction of their time on each subject. But the public-school kids did not spend three-quarters of their time on reading, spelling, and arithmetic. They also had to study history, social studies, world geography, modern science, "new math," physical education, art, and music. Figuratively speaking, public-school kids were training for the decathlon, while the Amish one-room school kids trained for the pentathlon (which I take here to mean half of the decathlon events), and it was only the pentathlon events in which both were tested.

There are some other biases in the testing. Amish children often did not enter first grade until they turned age seven, and so their eighth graders were on average older than the nonAmish comparisons (Miller 1969, 112; Hostetler 1969, 166). If modern studies can be applied to the 1960s, children who enter first grade at an older age have a considerable academic advantage in school (Cascio and Schanzenbach 2007). As indicated in Table 1, Amish families stay in their homes (and presumably the same schools) about fifty percent longer than nonAmish families. Again, modern research has found that frequently changing schools is detrimental to children's learning (Rumberger 2002; Hanushek, Kain, and Rivkin 2004).

But these last two are minor problems compared to Hostetler's powerfully biased selection of schools and academic subjects to be tested. His results do not support his claim that "As judged by education testing standards the overall performance of the Amish is similar to that of a representative sample of rural school children in the United States" (Hostetler 1969, 96). The education testing was selected to cover only the subjects taught intensively in Amish in one-room schools; the sample was tiny, irreproducible, and selected to get the better one-room schools; and the geographic area was not "the United States" but a few vaguely identified areas of Michigan, Indiana, and Ohio, and one school in Ontario.

§9 Yoder's Influence in Perspective

It could be thought of as unfair to Hostetler to judge his effort by modern statistical standards about survey design, sample size, data collection methods. At the time this was a pioneering effort. Almost nothing quantitative was known about children's accomplishments in one-room schools compared to graded schools. Looked at this way, it is easy to forgive the study's deficiencies and even admire Hostetler's push into the unknown.

The problem with this view is that the study was not simply a milestone in the march of scholarship on education. The results were cited by Hostetler, and reported in the U.S. Supreme Court, as showing something even a naïve set of scholars should have known was not supported by the evidence. One reason for this was the lack of scholarly review of the results. Miller's PhD thesis was subject to review, of course, but the four other advisors would surely have deferred to Hostetler, who was the world expert on the Amish. Even if Miller and Hostetler had submitted their work for scholarly publication, they left reviewers with no way to obtain the original data, let alone replicate their findings. This would be a minor complaint had the overgeneralizations of the study not been successfully deployed to influence a major U.S. Supreme Court decision.

I do not mean to be anachronistically critical of Hostetler. He and many others thought that the Amish were in grave danger from escalating state school standards. While the Amish had usually won their battles out of court, there was always the danger that the compromises would be undone. A constitutional decision in their favor would cement their footing in a shifting political landscape. But Hostetler could not just tell the courts, leave the Amish alone; they do not need modern education. He actually did say something like that for much of his 1969 report, explaining at length the Amish way of life and how minimal education supported it. But he must have suspected that this alone might not be persuasive enough in a court of law. So he had to add a claim of near-equivalence of the old and the new. He had to undermine the assumption that

consolidated schools were superior to one-room schools, and his work with Miller was a necessary part of that strategy.

It is unlikely that Hostetler had a U.S. Supreme Court case specifically in mind when he embarked on the Office of Education project, but he had been aware of the legal turmoil in various state courts. (In reviewing state court controversies, Hostetler [1969, 106] mentions in passing a “court case still pending in Wisconsin.”) As the leading scholarly interpreter of the Amish to the laity, he surely knew that his writings had a good chance of being cited in some court. What Hostetler could not have anticipated was the absence of any opposing expert who might have been critical of the obvious flaws in the study he introduced in the *Yoder* trial. The Wisconsin attorney general assembled no experts on Amish education, apparently because he was confident that he would win on the basis of established precedents—which were indeed in his favor—rather than applied facts (Peters 2003).

Probably the most remarkable aspect of the *Yoder* decision is its limitation to the Amish. One expects that Supreme Court pronouncements on Constitutional law would be generally applicable. *Yoder* is so specific to an Amish-like group that it reads more like a treaty than a statement of Constitutional principle. Chief Justice Burger’s opinion declared (406 U.S. at 235):

It cannot be overemphasized that we are not dealing with a way of life and mode of education by a group claiming to have recently discovered some “progressive” or more enlightened process for rearing children for modern life.

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 in this case have convincingly demonstrated the sincerity of their religious beliefs.... In light of this convincing showing, one that probably few other religious groups or sects could make, and weighing the minimal difference between what the State would require and what the Amish already accept, it was incumbent on the State to show with more particularity how its admittedly strong interest in compulsory education would be adversely affected by granting an exemption to the Amish.

Yoder specifically mentions the eight grades of education and implies that it will take place in the normal school year that applied to public schools (including one-room schools) when the Amish went their own way in the 1950s and 1960s. The Amish are assiduous in holding up their side of the treaty. Studies of a wide geographic range of Amish private schools indicate a remarkably consistent approach to curricular matters (Dewalt 2006; Johnson-Weiner 2007). There is no evidence of shirking. By all accounts, Amish children rarely miss school, and school is not cancelled for harvests or planting.

The *Yoder* conception of their education, however, may be as much a constraint as a liberation from state standards. As Amish participate less in farming and more in outside industry, their lack of formal education can be a drawback, and some Amish seem to be aware of it (Hurst and McConnell 2010). It is not impossible to imagine that a few church districts could combine to create a more formal, Amish-controlled vocational high school. Some Old Order Mennonite groups have moved in that direction (Johnson-Weiner 2008). But as Donald Kraybill (2008), Hostetler’s successor as the leading scholar on Amish affairs, noted in an interview, the Amish fear that if they did establish

vocational high schools, “it would certainly undermine the legal decision of the US Supreme Court in *Wisconsin v. Yoder*.”

Yoder did not entirely exempt the Amish from the state-by-state negotiations concerning school attendance, elementary curriculum, and teacher qualifications (405 U.S. at 236). Some states continue to require the two-year program of vocational apprenticeship after the eighth grade (as mentioned above, and which the Court had noted approvingly), but these are still mostly satisfied by working on the farms or businesses of their parents. The critical post-*Yoder* difference is that state officials now know that the Amish have a powerful fallback position if officials were to press for more formal education. Even though the Amish are reluctant to litigate, the *Yoder* decision and perhaps the notoriety of the Iowa kids-in-the-cornfield incident make states reluctant to press the Amish towards any educational standards beyond those mentioned in the Court’s opinion. And my guess is that many state officials were grateful not to have to play the bad cop in negotiating with the Amish. Even some previously accepted programs of post-elementary education seem to have fallen away (Johnson-Weiner 2007, 162).

I want to gingerly suggest that *Yoder* may no longer be so important in allowing the Amish to find their own educational paths. There is now widespread approval by the public of Amish exceptionalism. One manifestation of this is that many Amish settlements are objects of ethnic tourism. Some initially feared that tourism would be disruptive. Hostetler (1984) was especially anxious about this and tried to suppress the movie *Witness*, which depicted the Lancaster County Amish settlement as a Shangri-La refuge from the evils of city life in nearby Philadelphia. However, the Amish have grudgingly adapted to tourism, and a growing number profit from the additional demand for their locally made crafts and prepared foods, industries that are more consistent with Amish life than many other nonagricultural employments.

More important is that tourism enhances the value of Amish to others in the regions where they are concentrated. Kraybill (2001, 293) concludes after an extended and somewhat ambivalent discussion of tourism that “the economic value of the Amish as a tourist attraction has greatly enhanced their bargaining power with public officials.” The power comes from their willingness to “exit” rather exercise political or legal “voice,” to use terms made famous by Albert Hirschman (1970). Historically, the Amish have preferred to emigrate from unfriendly jurisdictions rather than become entangled in political institutions, and this persists to the present. A group did leave Nebraska in the early 1980s over a dispute with the state about teacher certification, declining the offer of legal counsel by the *Yoder* attorney (Dewalt 2006, 42).

Another reason for the decline in the importance of *Yoder* is the rise of the home-school movement. Before *Yoder* was decided, some Amish, including one of the defendants, attempted to avoid sending their children to high school by homeschooling them. The state of Wisconsin specifically denied that this was an adequate substitute. Moreover, the limiting language of Chief Justice Burger’s opinion made *Yoder* useless to those nonAmish families who wanted to homeschool their children rather than send them to public or approved private schools.

Yet the homeschool movement has grown spectacularly since 1970 (Bielick et al. 2001). Some observers regard *Yoder* as having promoted the movement, even though no court cases have specifically extended its protections to homeschoolers (Peters 2003,

174). Homeschool organizations have instead used political action to change state laws about attendance, curriculum and teacher qualifications that stood in their way. Among the states that now have highly liberalized homeschooling statutes is Wisconsin, whose formerly rigid school laws started the controversy in *Yoder* (West 2009, 11). The political clout of homeschoolers provides an umbrella that protects the Amish, too.

§10 Conclusion

I close with a reminder of my original mission. I wanted to show that one-room school education is not an adequate substitute for multi-classroom schools for children who expect to go to high school. The early twentieth century high school movement caused the consolidation of more than one hundred thousand of one room schools. The voters who accepted this did so for a good reason, not because bureaucrats forced it on them. One room schools were not effective enough to stream children into secondary education. The Amish cling to them for that very reason.

I would not dispute those who claimed that eight years of one-room schooling was adequate for the vision of Amish life as it existed fifty years ago, when most Amish were farmers and horse-powered agriculture was still economically viable. But twenty-first century Amish are having to adapt to an economy in which they must deal with technologically sophisticated employers, suppliers, and customers. They are resourceful and hard working, but it may someday occur to them that the eighth-grade ceiling on their formal education needs to be reexamined. I suggest that the *Yoder* decision should not stand in their way.

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