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BOOKS RECEIVED

The Future of White Men and Other Diversity Dilemmas. By Joan Steinau Lester. Berkeley, California: Conari Press. 1994. Pp. 164. Hardcover. \$17.95

Can't we all just get along? If it were that easy, we all probably would. Unfortunately, the complex issues associated with race, gender, and sexual preference, to name but a few, will likely continue to command society's urgent attention well into the future. How we deal with one another, and how we get along, is the subject of *The Future of White Men and Other Diversity Dilemmas* (hereinafter "*White Men*") by Joan Steinau Lester.

The legal community is no stranger to the dilemma of diversity. To a certain extent, affirmative action programs, sexual harassment, and racial discrimination may all be considered diversity problems. In terms of legal scholarship, diversity has become embodied in "critical race theory" and "feminist jurisprudence," legal philosophies expounded by scholars such as Mari Matsuda and Leslie Bender.¹ With these developments in mind, it is essential that the legal community be kept abreast of recent innovative writings in diversity theory.

White Men is about social relationships. In general, the book describes the existing attitudes, beliefs, and prejudices that different racial groups possess about one another. Various subjects such as stereotyping, political correctness, gay and lesbian rights, and other precepts of multiculturalism are addressed. The guiding mission of *White Men's* author, Joan Steinau Lester, is to turn "isms," such as racism and sexism, into "wasms."

In essence, *White Men* is a series of anecdotal sermons grouped together around one common metaphor: a table.

1. See, e.g., Leslie Bender, *An Overview of Feminist Torts Scholarship*, 28 CORNELL L. REV. 575 (1993); Mari J. Matsuda, *Legal Storytelling: Public Response to Racist Speech: Considering the Victim's Story*, 87 MICH. L. REV. 2320 (1989).

Lester uses the table to represent power and control. For example, whereas white men get an automatic seat at the table, individuals of diverse backgrounds are either excluded or must sit obediently at the foot of the table. Furthermore, even if females or minorities do get a seat at the table they cannot sit comfortably because the chairs have been designed specifically for tall, white males. However, chairs once reserved for white males are gradually being ceded and redesigned for previously excluded minorities.

Throughout the book, Lester offers countless advice and opinions: "We are not liable for the past. We simply need to take action in the present." "A white male brought before a judge will have a slight presumption of character and stability—whether or not that is accurate." "When we eat together we may choose different items from the menu, but we can all be seated at the same table, having fascinating dialogue while we enjoy our meal." The book is largely an exposition of Lester's personal views, and her assertions are rarely supported by authority. In addition, the book's organization is somewhat confusing, making it difficult to maintain a steady focus on Lester's message.

Nevertheless, Lester presents valid points. She touches on a variety of topics, including conflicts between different minorities, the possibility of coalitions of different special-interest groups, and patience for those who have yet to achieve multi-cultural enlightenment. Each subject is approached in an easy-going, practical manner, drawing on Lester's experience as a lesbian, a mother of African-American children, and an individual of Jewish descent. Lester is clearly out to help people understand one another and "get along."

In Chapter One, the theme revolves around playing a game of "musical chairs" around the proverbial table. Although everyone seemingly has a "fair chance" to get a seat when the music stops, in reality, certain entrenched players have designated seats that cannot be lost. Slowly but surely, however, the rules of the game are changing, and traditionally disenfranchised groups are being given more "permanent" seats at the table. These newly ceded seats are being taken from the dominant players, namely, white males.

Proclaiming that "[t]he power shift is taking place, slow as it may be," Lester sounds the death knell of white male dominance in society. According to Lester, however, white

males have nothing to fear, and will benefit greatly through the introduction of multi-cultural and feminine influences into their daily lives.

Chapter Two focuses on cultural and social stereotypes. Lester illustrates how different groups of people conjure up varying images. For instance, doctors are typically thought of as men, Jews as rich, or Asian-Americans as particularly adept at technical tasks.

Lester herself admits that she is sometimes guilty of the same "politically incorrect" behavior. For example, on one occasion, a young woman had been sent to Lester's residence in order to install a new computer. At first, Lester was perturbed due to her belief that a woman would probably not know how to install and configure a computer. After the woman had done an excellent job, Lester felt embarrassed about her inadvertent and unfair stereotype.

Oftentimes, however, Lester's arguments are lost beneath a slew of stories and dramatic shifts. In one segment entitled "Who's Looting Whom?" Lester points out that individuals who pillaged Los Angeles in the riots of 1992 are described as "looters," whereas individuals involved in "pro-democracy demonstrations" in Europe, where the same violence and destruction occurred, are considered "protesters" and even "heroes." Without any transition, Lester then lapses into a story about a Puerto Rican boy she knew who was told that he couldn't go to college. After his initial disappointment, the youth changed his mind and went to college where he did very well.

Apparently, Lester's inference is that the press, the college counselor, and even she herself have acted inappropriately. Unfortunately, she does not explain either the cause of this problem or the rationale behind her views. As a result, Lester's passion and anger obscure her main contention: society unfairly classifies certain groups of people.

Chapters Three and Four attempt to provide a framework for correct behavior in a multi-cultural society. The emphasis is on proper language, as well as appropriate conduct for a variety of situations.

Chapter Five is reserved for answers to the top ten (plus two) common questions. Apparently, Lester is frequently posed the question: "What about telling [racial] jokes?" While humor is one of life's greatest gifts, Lester explains, it can

also be used to put people "at the foot of the table." For this reason, only members of a particular group can properly use self-deprecating humor. However, if you're outside the group, Lester believes it is best not to use such potentially volatile material.

In the same chapter, Lester briefly addresses the question: "What about reverse discrimination and affirmative action?" Her answer: the entire system is based on "invisible," unwritten rules that benefit white males. As a result, procedures are required to "compensate for our unconscious perpetration of the old practices." However, Lester believes that "these procedures are temporary ones that will help us normalize relationships."

White Men provides a cursory critique of race relations in the United States and could use some more thorough analysis. However, it is hard to argue with Lester's thesis. Lester maintains that despite our differences, we need to learn how to deal with one another. From a legal standpoint, this is an absolute mandate. The status quo is under constant pressure to incorporate the needs of a diverse populace. With an increasingly diverse society comes the need for a diverse legal community. Despite the shortcomings in *White Men*, its overall message has merit.

The Amish and The State. Edited by Donald B. Kraybill. Baltimore, Maryland and London, England: The John Hopkins University Press. 1993. Pp. 333. Paperback. \$14.95.

Perhaps no other religious group has contributed as much to the modern development of the relationship between church and state as has the Amish. Whether the issue is military conscription, the schooling of Amish children, or simply warning lights on horse-drawn buggies, the Amish have been at the forefront of the legal challenge against public infringement on parochial rights. *The Amish and The State*, edited and partially authored by Donald B. Kraybill, is a compilation of articles by thirteen different authors, describing in some detail the complex socio-religious structure of Amish relations with "the world." Virtually every aspect of Amish/State interaction is charted through the different articles in order to develop a complete picture of Amish beliefs and their impact on First Amendment jurisprudence.

Chapter One, by Donald B. Kraybill, focuses on the historical context of Amish relations with the state. Chapter Two, by Paton Yoder, an "Amishman," then gives a synopsis of Amish attitudes toward the state. Chapter Three, by Albert N. Keim, details the actions the Amish have taken to avoid military service that conflicts with their beliefs. Chapter Four, by Marc A. Olshan, describes the development and activities of the national organization which represents Amish beliefs, the National Amish Steering Committee. Chapter Five, focusing on the Amish conflict with national education and schooling, is authored by Thomas J. Meyers. Chapter Six, by William C. Lindholm, discusses the impact and effect of the National Committee for Amish Religious Freedom. Chapter Seven, by Peter J. Ferrara, explains Amish reactions to Social Security and taxes. Chapter Eight, by Lee J. Zook, outlines the pattern of conflict between the Amish and local governments over regulation of slow-moving vehicles. Chapter Nine, by Gertrude Enders Huntington, describes the religious and cultural values which underlie the Amish reaction to health care issues. Chapter Ten, by Elizabeth Place, discusses the impact of zoning, land use, and pollution on the Amish. Chapter Eleven, by Robert L. Kidder, focuses on the role of outsiders in Amish relations with the state. Chapter Twelve, by Dennis L. Thomson, examines Amish/state relations in Canada. Finally, Chapter Thirteen, by William B. Ball, discusses the significance of Amish litigation on First Amendment principles.

Today, there are over 130,000 Amish men, women and children spread across the United States, with the majority settled in communities in Ohio, Indiana and Pennsylvania. The Amish are a "break off" from the Anabaptist movement, which itself sprang from the Radical Reformation in sixteenth-century Europe. Seeking to avoid persecution for their religious beliefs, the Amish came to North America in the mid-1700s and 1800s.

The Amish differ from mainstream America in many respects. For instance, they rarely file civil claims. As a result, Amish businesspeople almost never bring civil actions to recover defaulted loans or other liabilities recoverable through litigation. In the vast majority of cases, Amish litigants are defendants.

The Amish also reject many modern amenities, selectively importing only certain technologies. They have no public electricity, cars, or telephones. Around 1860, the Amish simply stopped modernizing. As a result, Amish communities utilize only the comforts of that day.

The Amish do not believe in violence. Since the American Civil War, the Amish have been identified as staunch conscientious objectors. In fact, the Amish were responsible in large part for the development of conscientious objector (CO) programs during the first two World Wars.

Yet another difference between the Amish and other religious groups is that the Amish do not hold public office. On some occasions, the Amish will vote. However, voting is generally discouraged.

Amish behavior stems from religious convictions. The Amish believe that there are "two kingdoms." One kingdom is that of God. The other kingdom is "the world." The Amish seek to live solely in God's kingdom, readily rejecting anything that smacks of "worldliness." The Amish resist interaction with the world because they believe it may taint their communities with values and ideas that conflict with Amish beliefs. The challenge for the Amish is how to defend against a government that is increasingly attempting to regulate their lifestyles.

Many of the legal battles fought by the Amish have ended up in the United States Supreme Court. *The Amish and The State* analyzes many of these conflicts from their genesis to the actual court proceedings.

Education

In Chapter Five, Thomas J. Meyers chronicles the Amish reaction to compulsory attendance in public schools. Meyers discusses the source of Amish objections to sending their children to public schools, as well as the developments that eventually ended in the United States Supreme Court.

During the middle of the twentieth century, the consolidation of public schools posed a threat to the Amish way of life. The Amish objected to compulsory attendance until the age of eighteen, as well as instruction in "unnecessary" subjects, such as history, geography, and physical hygiene. This conflict led to the establishment of Amish owned and oper-

ated private schools. However, increasingly "depressive" state educational laws led to an increase in passive resistance.

Across the country, different incidents of Amish resistance appeared. Oftentimes, the end result was criminal charges levied against Amish parents for failure to comply with state mandated educational requirements. In 1969, three Amish fathers in Wisconsin were charged with violation of compulsory attendance laws for refusing to send their children to high school. Meyers goes on to analyze this case, later known as *Wisconsin v. Yoder*,² which drew national attention.

In *Wisconsin v. Yoder*, the United States Supreme Court held that the state of Wisconsin could not compel Amish parents to send their children to school past eighth grade. In balancing the interests involved, the Court found that although the State's interest in education is strong, "it is not totally free from a balancing process when it impinges on fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment."³ The Amish interest in the religious development of their children was especially crucial during the period of adolescence. The Court reasoned that the Amish had satisfactory alternative modes of education, and that the children would not suffer impaired mental ability due to forgoing one or two years of education.

Social Security and Taxes

In Chapter Seven, Peter J. Ferrara examines the cause of Amish resistance to paying social security taxes. Ferrara adeptly explains the Amish position, all the while charting the negotiations that eventually partially exempted the Amish from paying social security taxes.

Ferrara describes the Amish attitude toward social welfare programs as a natural extension of their beliefs and social structure. For the Amish, participation in Social Security violates their religious beliefs. Not only does involvement in the Social Security system conflict with their way of life, it also demonstrates a lack of trust and faith in God.

2. 406 U.S. 205 (1972).

3. *Id.* at 214.

Furthermore, Ferrara explains, the Amish have little need for Social Security. For the most part, each Amishman is self-sufficient. Amish communities have a strong ethic of mutual aid, which helps support others who have encountered hardships. Single mothers, divorce, and pregnant teenagers are extremely rare. Long-term unemployment is nonexistent. The elderly, highly respected in the Amish community, are taken care of by the younger generations.

Ferrara discusses the first contact the Amish had with Social Security in 1955, when the program was extended to self-employed farmers. Consequently, the IRS sought to collect Social Security taxes. The Amish refused to pay. On one occasion, three IRS agents approached an Amishman, Valentine Y. Byler, who was plowing his fields. The agents demanded payment of past-due Social Security taxes. When Byler explained he could not pay because of his religious principles, the IRS agents unhitched his plow horses and took them away to a waiting trailer. The horses were sold at auction to pay the overdue taxes, and the remaining sum of \$37.89 was returned to Byler.

Ferrara then describes how the Amish turned to the U.S. Congress for relief. Through a series of visits, petitions, and negotiations, they achieved a legislative exemption to paying Social Security taxes with the passing of the Medicare Bill in 1965. However, the exemption did not apply to Amish workers who were not self-employed.

Events culminated in the U.S. Supreme Court case, *United States v. Lee*.⁴ *Lee* held that although compulsory participation in the payment and receipt of Social Security benefits burdened the religious beliefs of an Amish employer, the burden was not unconstitutional, since the state's overriding interest in maintaining a national Social Security system justified the limitation of religious rights. Distinguishing *Yoder*, the Court found modifying the Social Security system to fit myriad religious exceptions would simply be too difficult.

Besides being a thoughtful and keen analysis of Amish/State relations, *The Amish and The State* has two other positive aspects. The first is that several of the articles are actually written by Amish authors. The inclusion of Amish viewpoints authenticates the book, by complementing articles

4. 455 U.S. 252 (1982).

written by the non-Amish legal and social theorists. The second enjoyable aspect about *The Amish and The State* is the format. Unlike some books which dwell excessively on minor points in order to fill up space, *The Amish and The State* clips along expediently from chapter to chapter. Articles that are of only mild attraction are quickly finished. The result is that the reader's attention and interest are maintained from front to cover.

Brian L. Frank

