

Dispute Resolution Among the Old Order Amish

If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. But if he will not listen, take one or two others along so that every matter may be established by the testimony of two or three witnesses. If he refuses to listen to them, tell it to the church; and if he refuses to listen even to the church, treat him as you would a pagan.

—Matthew 18:15-17

If you have a dispute with your neighbors, don't take the law into your own hands; take them to court.

—Doug Llewellyn, *The People's Court*

I. INTRODUCTION

The notion of a society without lawyers and courts seems farfetched in today's litigious world. History reveals, however, that litigation was not a common activity in the United States. Instead, most people chose to withhold their disputes from lawyers and the courts out of a deeply held conviction that the law undermined cherished community values.¹ Historically, arbitration and mediation were the preferred means of settling disputes.² Viewed in light of our past, it is the relatively recent rush to litigate in court, not the persistence of alternative means of dispute resolution, that seems an anomaly.³

A variety of immigrant ethnic groups were among the most committed practitioners of non-legal dispute resolution.⁴ The founders of the seventeenth century Christian community of Dedham in Massachusetts, the Quakers in Philadelphia, the Chinese in San Francisco, the Scandinavians in Minnesota, and the Jews in New York were among a handful of disparate groups that shared a suspicion of the American legal system — a suspicion that inspired the development of conflict resolution mechanisms that reflected their community norms, values, and beliefs.⁵ In fact, a reliance on non-legal dispute resolution dates back to the English Court of Chancery, in which the king and his chancellor decided cases on the basis of equity and religious tenets and not on legal principle or precedent.⁶

1. J. AUERBACH, *JUSTICE WITHOUT LAW?* 16 (1983).

2. *Id.* at 4.

3. *Id.* at 8.

4. *Id.* at 6.

5. *Id.* at 4-5.

6. Keegan, *The Peacemakers: Biblical Conflict Resolution and Reconciliation as a Model Alternative to Litigation*, 1987 *Mo. J. DISP. RES.* 11, 16.

Despite internal success, the autonomous pockets of ethnic dispute resolution mechanisms clashed head on with the more formal and now more pervasive system of American jurisprudence. The dominance of the American legal system and the inevitable process of acculturation⁷ forced many of these immigrant groups to abandon their idiosyncratic systems of dispute settlement. Today, only a handful of ethnic groups have managed to sustain their resistance to the predominance of the American legal system. Among such groups are the Old Order Amish.⁸

This Note examines the way in which the Old Order Amish settle their disputes. Presumably, a cross-cultural analysis of a distinctive legal system serves to arrive at a better understanding of our own system of law by highlighting alternate approaches to the resolution of legal disputes. The ultimate value of such an endeavor is not in its description of the way in which the Old Order Amish settle their disputes, but rather, through the insight it provides into the broader picture of the American legal system. Amid the persistent debate about the value and fairness of alternate forms of dispute resolution and the efficacy and effectiveness of litigation, the Old Order Amish have something to tell us — not only about themselves, but ourselves as well.

II. HISTORICAL ORIGINS

The Old Order Amish are the most doctrinaire of a number of groups⁹ which practice the Mennonite faith. The Mennonite religion was founded by Menno Simon in Zurich, Switzerland, in 1525 in opposition to the traditional Baptist church.¹⁰ In 1693, a schism between members of the Anabaptist movement resulted in the followers of Jacob Amman breaking away from other Mennonite groups.¹¹ This group, known as the Old Order Amish, clung tenaciously to a literal interpretation of the Scrip-

7. J. AUERBACH, *supra* note 1, at 6.

8. Hostetler, *The Amish and the Law: A Religious Minority and Its Legal Encounters*, 41 WASH. & LEE L. REV. 33 (1984). The Amish population in 1950 stood at approximately 33,000. In 1984, that figure had increased to approximately 90,000. The Old Order Amish are clearly growing faster than the general population. Amish communities can be found in Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, Wisconsin, and Canada. Interestingly, none remain in Europe. *Id.* See also J. ZIELINSKI, *THE AMISH ACROSS AMERICA* 28 (1983).

9. H. RODGERS, *COMMUNITY CONFLICT, PUBLIC OPINION AND THE LAW: THE AMISH DISPUTE IN IOWA* 11 (1969). Included among the main Mennonite groups are the Old Order Amish or House Amish; Beachy Amish; Conservative Amish or Church Amish, Swiss Mennonites; Church of God in Christ; Old Mennonites; Old Order Wisler Mennonites; Middle District Conference and General Conference; New Amish; Reformed Mennonites; and Oak Grove Mennonites.

10. H. RODGERS, *supra* note 9, at 11-12.

11. *Id.* at 13.

tures. In order to abide by a literal reading of the Bible, the Amish felt compelled to isolate themselves from the rest of the world in their own separate society.¹² The predominant distinction between the Old Order Amish and other Mennonite groups is today embodied in their interpretation and degree of application of the New Testament's¹³ injunction of the separation of God's elect from the rest of the world.¹⁴

The concept of separation is embodied in the seven points of the Schleithem Confession of 1527 and the more elaborate eighteen articles of the Dortrecht Confession of 1632.¹⁵ The most significant of the articles of the Confession of Faith is Article Four:

A separation shall be made from the evil and from the wickedness which the devil planted in the world; in this manner, simply, that we shall not have fellowship with them and not run with them in the multitude of their abominations To us, then, the command of the Lord is clear when He calls upon us to separate from the evil, and thus He will be our God and we shall be His sons and daughters.¹⁶

The concept of separation is fundamental to understanding the Old Order Amish way of life: "The entire gamut of Amish idiosyncracies as perceived at the present day stands and falls with these articles of separation."¹⁷

The Old Order Amish believe that a good Christian leads a simple life, free from ostentation and pride. In order to lead a simple life, the Old Order Amish divorce themselves from the rest of the world. This is most evident in their distinctive dress, their use of horse-drawn buggies, and their simple home furnishings. Yet the Amish do not separate themselves from the world entirely. For example, even though they refuse to own automobiles, they do allow others to drive them. They do not own telephones but will use public phones or the phones of their neighbors when necessary. They will at times hire others to plow their land with modern machinery.¹⁸ Furthermore, economic intercourse among

12. Casad, *Compulsory High School Attendance and the Old Order Amish: A Commentary On State v. Garber*, 16 KAN. L. REV. 423, 424 (1968).

13. Important biblical passages from the New Testament include *Romans* 12:2 (Be not conformed to this world, but be ye transformed by the renewing of your mind that ye may prove what is that good and acceptable and perfect will of God) and *2 Corinthians* 6:14 (Be ye not unequally yoked together with unbelievers; for what fellowship hath righteousness with unrighteousness? And what communion hath light with darkness?).

14. W. SCHREIBER, *OUR AMISH NEIGHBORS* 31 (1962).

15. *Id.* at 31-32.

16. *Id.*

17. *Id.* at 30-32. Professor Hostetler, a respected authority on the Amish, notes that "thirty years ago, social scientists predicted that the Amish would be absorbed into the larger society in a few decades. It was reasoned that once the vitality of European customs was exhausted, like a run-down clock, the Amish would be assimilated into the dominant society. The predictions were wrong." Hostetler, *supra* note 8, at 33.

18. H. RODGERS, *supra* note 9, at 19.

the Amish and outsiders is quite common.¹⁹ As one Amishman noted: "You are materialists. You want what you want because you want it. We are utilitarians. If we need something new it is adopted into our ways."²⁰

III. COMMUNITY LIFE AND ORGANIZATION

The Amish community is a redemptive community dedicated to the principles of submission, humility, forgiveness, brotherly love, and nonresistance.²¹ Central to the community is the set of mythological and religious rules, called *Ordnung*, which dictate the manner in which the Amish interact among themselves and the outside world.²² The *Ordnung* orders all facets of the Amish way of life and defines how members live and interact with one another. The *Ordnung* is designed to achieve a Christian way of life and not simply to achieve personal salvation.²³

The *Ordnung* is not a formal set of rules or system of government. The Amish view organized government as a necessary evil. While the Amish recognize the inevitability of government for society as a whole, they believe that government exists for the regulation of a sinful society. Because the Old Order Amish regard power as inherently wicked, they shy away from participation in government affairs. For example, they refrain from voting in national elections, although voting in local elections is not uncommon where important interests are at stake. Voting is viewed as the imposition of a majority will on a minority and office-holding is disdained because it frequently entails the use of physical and psychological force in the performance of required duties.²⁴ The Amish refrain from participation in government, including the judicial system, because the state is invested by necessity with the power of coercion, something the Amish abhor.²⁵

Despite their resistance to organized government, the Old Order Amish are aware that they must abide by some rules and regulations. Rules are enacted by each separate church congregation, but they do not vary in any significant degree among congregations. A number of

19. W. SCHREIBER, *supra* note 14, at 33.

20. J. ZIELINSKI, *supra* note 8, at 60.

21. Hostetler, *supra* note 8, at 34.

22. *Id.* at 35.

23. Cronk, *Gelassenheit: The Rites of the Redemptive Process in Old Order Amish and Old Order Mennonite Communities*, 55 MENN. QUART. REV. 5, 8 (1981). For a comprehensive exposition on the history of the *Ordnung*, see Gingerich, *Ordinance or Ordering: Ordnung and Amish Ministers Meetings, 1862-1878*, 60 MENN. QUART. REV. 180 (1986).

24. Cronk, *supra* note 23, at 23.

25. H. RODGERS, *supra* note 9, at 14. See also Hostetler, *supra* note 8, at 33. The Amish realize that they cannot divorce themselves entirely from the rest of the world and recognize that they have certain obligations to the state. Yet the obligation to abide by secular rules is narrowly construed.

the rules are derived directly from Biblical passages, while others are justified on the basis that to do otherwise would be "worldly."²⁶ The rules that govern the Amish community are rarely recorded and the functioning *Ordnung* in each congregation remains unwritten.²⁷ The primary institution of the Amish is the church, but even this structure is informal and self-governing: the Amish do not erect churches but instead meet in one another's homes on a bi-weekly basis.²⁸

IV. AMISH DISPUTE RESOLUTION

The Old Order Amish refrain from seeking legal recourse through the established court system.²⁹ They view the judicial system, a component of organized government, as a sin from which they must abstain.³⁰ The Amish are not permitted to instigate lawsuits or to defend themselves in such actions. In those rare instances when the Old Order Amish do appear in court, they refrain from active participation. They will rely on the Bible as their source of law and will speak only when necessary. When confronted with questions on the witness stand, the Amish will usually answer by citing passages from the Bible and the Dordrecht Confession of Faith. They are not familiar with court procedures and must frequently be reminded by the presiding judicial officer of their rights and privileges.³¹ They are admonished to suffer injustice, and the willingness to do so stems from their past: "For some two hundred years in Europe they suffered the most grievous persecution. They have become used to being punished by the state and they regard such treatment as the price they must pay . . . to protect and preserve their way of life."³² Consequently, disputes between members of the community are almost always resolved internally.

Amish dispute settlement is simple in form and not unlike other

26. Hostetler, *supra* note 8, at 35.

27. *Id.* at 36.

28. H. RODGERS, *supra* note 9, at 15.

29. This Note does not address the important issue as to when it is appropriate for courts to decide disputes between an individual and the church. Courts approach this issue in a variety of ways: some courts refuse to get involved in what they perceive to be essentially a church matter. Other courts have looked to state corporation law (in cases where the church is incorporated) in order to determine whether the state law requirement has been fulfilled. And other courts attempt to decide the issue on the basis of religious principles. See Bernard, *Churches, Members, and the Role of the Courts: Toward a Contractual Analysis*, 51 NOTRE DAME LAW 545, 545-46 (1976).

30. There is perhaps some contradiction in this given that the Amish immigrated to this country precisely because of its laws; the American Constitution guaranteed freedom of religion and secured property rights. Cronk, *supra* note 23, at 5, 22-23 (1981).

31. W. SCHREIBER, *supra* note 14, at 106.

32. H. RODGERS, *supra* note 9, at 17.

religious groups that chose to resolve conflict within the confines of their religious beliefs.³³ Dispute settlement among the Amish is premised on Biblical scripture, primarily Matthew 18:15-17:

If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. But if he will not listen, take one or two others along so that every matter may be established by the testimony of two or three witnesses. If he refuses to listen to them, tell it to the church; and if he refuses to listen even to the church, treat him as you would a pagan.³⁴

Disputes within the Amish community can be classified into one of three types: an Amishman may (1) disobey a rule of the community; (2) become embroiled in a dispute with another member of the community; or (3) become involved in a dispute with outsiders.

A. *Violation of Community Rules*

An Amishman who disobeys a rule of the community will first be rebuked by his neighbors. Knowledge of the infraction serves as a source of embarrassment within the community. The elders within the community are informed of the infraction and advise the Amishman to change his ways. If the elder's admonishments fail, the Amishman is confronted by church members and provided an opportunity to confess any wrongdoing. If the individual fails to respond, church privileges are temporarily withdrawn. Further sanction may result in exclusion from all social and business relationships. This process of shunning, or *Meidung*, constitutes the primary sanction within the community.³⁵ Once an individual is shunned, "members within the congregation must neither

33. Notable examples of other religious groups that look to religion as a means of resolving conflict include the Christian Conciliation movement and the Jews. The Christian Conciliation Service, associated with the Christian Legal Society, is an alternative dispute resolution system designed to ameliorate conflicts in a wide variety of contexts. For example, types of cases filed with the Christian Conciliation Service in Washington, D.C. include family, marital, debt, contract, business, employment, landlord and tenant, and intra-church disputes. See Keegan, *The Peacemakers: Biblical Conflict Resolution and Reconciliation as a Model Alternative to Litigation*, 1987 MO. J. DISP. RES. 11. To maintain communal values, the Jews that immigrated to America established the *Kehillah* ("community") to represent New York Jews. Dispute settlement played a major role in the *Kehillah*. The *Batei Din*, or Rabbinical courts, were designed in order to enable Jews to refrain from using gentile courts in disputes among themselves. The *Batei Din* still function today, as do other Jewish courts in New York that hear both religious and business disputes. *Id.* at 15. For example, The Jewish Conciliation Board of New York consists of a Rabbi, a businessman, and a lawyer. The proceedings of the court are informal but judges do issue a written opinion. Cases are decided by a process that focuses on reconciliation without adjudication of fault or blame. *Id.* at 15-16.

34. 18 *Matthew* 15-17.

35. Soltzfus, *Reward and Sanction: The Adaptive Continuity of Amish Life*, 51 MENN. QUART. REV. 308, 316-17 (1977).

'eat with' nor 'keep company' with such a person."³⁶ Further failure to abide by the principles and rules of the community leads to excommunication, forcing the individual to leave the congregation.

B. *Disputes Among Amishmen*

Disputes among Amishmen are settled in a similar fashion. The disputants are first expected to attempt to settle the dispute among themselves. If this fails, the elders are consulted to assist in resolving the dispute. A disputant who fails to abide by the dictates of the elders is shunned, and if persistent in defiance of the elders decree, excommunicated. Serious infractions within the Amish community, however, are rare. Most are settled between the parties and eventually forgotten, although not without some economic loss and personal humiliation.³⁷

There exists only a handful of recorded cases in which an Amishman ignored the dispute resolution mechanism of the community and instead took a dispute to court. The most prominent case is *Yoder v. Helmuth*,³⁸ tried in the Common Pleas Court of Wooster, Ohio, in 1947. The case serves as an illustration of the manner in which the Amish community approaches a suit brought in court.³⁹

In *Yoder v. Helmuth*, commonly known as the *Mite* case, Andrew J. Yoder, a former member of the North Valley (Helmuth) District Old Order Amish Mennonite congregation of southeastern Wayne County, Ohio, brought an action against the officers of the congregation. Yoder was shunned by his former congregation following his departure from the Helmuth congregation to join the Bunker Hill Conservative (Beachy) Amish Church.⁴⁰ Yoder claimed that the shunning was designed to compel him "to submit to church officials in the management of his trade, religious and business affairs, and it excluded him from all social and business relations with the members of said church by persuasion and intimidation."⁴¹ Yoder sought \$40,000 in damages and an injunction forbidding further enforcement of the shunning. The jury found for Yoder in the sum of \$5,000 and the injunction was granted. As is their

36. Hostetler, *supra* note 8, at 37. This process of shunning is premised on 1 *Corinthians* 5:11.

37. Hostetler, *supra* note 8, at 37.

38. *Yoder v. Helmuth*, Wayne County Case No. 35747 (1947).

39. Numerous attempts were made to settle the dispute out of court, but to no avail. The presiding judge stated: "We were trying to settle the matter in a peaceful way, as the Amish try to live, but the boycott, under church ruling, was 'for life' and everyone backed up the bishop." W. SCHREIBER, *supra* note 14, at 99.

40. Yoder transferred to the Beachy congregation because the Beachy did not forbid the ownership of automobiles by its members. Yoder sought the use of an automobile in order to transport his child to a distant hospital for frequent treatment of poliomyelitis. *Id.* at 97-98.

41. *Id.* at 98.

custom, the Amishmen made no move to defend themselves through legal counsel. Consequently, one of the defendant's farm was sold at Sheriff's sale. The balance of the assessment was then paid by an anonymous friend in one of the defendant's name.⁴²

C. Disputes with the Outside World

While the internal system of dispute resolution is of some curiosity and fascination, of perhaps more interest is what occurs when the Amish become involved in disputes with the outside world. "[A]s a community which makes every attempt to stand still while the surrounding society moves forward, the Amish inevitably find conflict, if not with people, then with the ever-increasing mesh of external regulation by governmental bureaus and agencies."⁴³ For example, state and federal agencies occasionally clash with the Amish over matters of social security, taxes and compulsory school attendance.⁴⁴

When the Amish clash with the public law, it is usually the Amish who must revise their ways. The Amish, for example, are forced to comply with state and federal regulations requiring lights and slow-moving-vehicle-emblems on horse-drawn vehicles, despite their belief that such symbols are too ostentatious for Old Order Amish way of life.⁴⁵ The Amish generally comply with state and federal regulations when the safety of others is directly involved, as the example above demonstrates.⁴⁶ However, the Amish have managed to find ways to circumvent state regulation when it threatens to infringe on fundamental precepts of their religious beliefs. For example, the Amish object to federal regulation requiring them to wear construction hats. The Amish insist that wearing hard hats instead of their traditional broad-rimmed felt hats interferes with their identity as Amish persons. The Amish do not dispute the safety standard as promulgated by the Occupation, Safety and Health Administration of the U.S. Department of Labor. Rather, they maintain that since the regulation affects only their safety, and not that of others, the regulation is simply an infringement upon their religion. Nevertheless, despite their opposition to the wearing of

42. *Id.* at 114-15.

43. *Id.* at 31.

44. Several disputes between the Amish and outsiders have been heard by the United States Supreme Court. *See, e.g., Wisconsin v. Yoder*, 406 U.S. 205 (1972) (exemption from compulsory school education for Amish children who have completed the eighth grade even though not yet sixteen years of age); *United States v. Lee*, 455 U.S. 252 (1982) (Amish not exempt from workers' social security tax). The Amish do not instigate lawsuits but do allow others to bring suits on their behalf. The *Yoder* controversy, for example, was instigated by the National Committee for Amish Religious Freedom, a group committed to the defense of Amish people.

45. Hostetler, *supra* note 8, at 45.

46. *Id.*

hard hats, the Amish have not contested the regulation directly by filing suit. Rather, they have asked for, and have been granted, an exemption.⁴⁷

Another illustration of the divide between the Amish way of life and the outside world involves dairy farming. Contemporary health standards in many states require the use of electrically-generated bulk tanks to keep milk cool. Whereas the Old Order Amish object to the use of electricity,⁴⁸ they also recognize that refusing to use electric bulk tanks would prevent them from selling milk. Some communities resolve this dilemma through the use of gasoline generators that provide sufficient electricity to power a bulk tank and nothing more. Other communities permit electrical wiring but control the way the power is used so as not to use the power to generate forbidden appliances.⁴⁹

With regard to criminal matters, the Amish are pacifists in the strictest sense of the word, and as such, are often helpless to defend themselves or their property.⁵⁰ While acts of violence against the Amish and their property are known to occur, the Amish typically do not report such acts to law enforcement officials.⁵¹ Criminal charges filed by or against the Amish are virtually unknown.⁵²

V. ATTRIBUTES OF THE AMISH SYSTEM OF DISPUTE RESOLUTION

A look into the Amish community and its system of dispute resolution relates to the debate within the academic community as to the effectiveness and value of Alternative Dispute Resolution (ADR). Proponents of ADR maintain that the inefficiency of the legal system and popular dissatisfaction with litigation warrant consideration of alternative means of settling disputes.⁵³ Central to the advocates of ADR is the premise that ADR constitutes a process of reconciliation in which the restoration of relationships is the ultimate objective.⁵⁴ Alternative dispute resolution tempers the confrontational and debilitating attributes of litigation and instead seeks to restore fundamental values temporarily dislocated by conflict and dispute. The strength of ADR rests not in its authoritative and binding nature but rather in its adherence to shared community values. Alternative dispute resolution seeks to restore and maintain

47. *Id.*

48. The use of electricity would make the Old Order Amish dependent on power companies, whose values are antithetical to the Amish faith. Cronk, *supra* note 23, at 17.

49. *Id.*

50. Hostetler, *supra* note 8, at 46.

51. *Id.*

52. W. SCHREIBER, *supra* note 14, at 38.

53. McThenia & Shaffer, *For Reconciliation*, 94 YALE L.J. 1660 (1985); Burger, *Isn't There a Better Way*, 68 A.B.A. J. 274 (1982).

54. McThenia & Shaffer, *supra* note 53, at 1660.

fundamental community values, and in so doing, offers a form of justice that is reconciliatory, not fragmentary, and is more attuned to the needs and desires of the disputing parties. The notion that justice is derived exclusively from the courts is therefore rejected: "Justice is not usually something people get from the government. And courts . . . are not the only or even the most important places that dispense justice."⁵⁵

Opponents of ADR, on the other hand, contend that ADR often fails to provide an authoritative source of conflict resolution.⁵⁶

Adjudication is more likely to do justice than conversation, mediation, arbitration, settlement, rent-a-judge, mini-trials, community moots or any other contrivance of ADR, precisely because it vests the power of the state in officials who act as trustees for the public, who are highly visible, and who are committed to reason. What we need at the moment is not another assault on this form of public power, whether from the periphery or the center, or whether inspired by religion or politics, but a renewed appreciation of all that it promises.⁵⁷

Skeptics of ADR maintain that in today's pluralistic world, ADR is an ill-suited means of resolving most disputes and reconciliation is a difficult end to achieve. This is largely because relationships within our fractionated society have often disintegrated to such a point that the only recourse left between the parties is to seek an authoritative and binding decree in court. The skeptics maintain that, while ADR may prove successful in insular religious communities in which community values are clearly articulated and firmly established, such values are absent in today's world: "[W]e [must] stop thinking about the Anabaptists and start thinking about Chicago. . . ."⁵⁸

VI. CONCLUSION

The Amish community has changed little over the past centuries and perseveres amid our tempestuous times. It is a remarkable phenomenon that the Amish continue to maintain their way of life in America today. The Amish faith permits them to engage in a way of life entirely foreign to our own.

An examination of a distinctive legal system such as that of the Old Order Amish provides insight into American society as a whole. As Auerbach notes:

In every society there is a wide range of alternatives for coping with the conflict stirred by personal disputes. Litigation is only one choice among

55. *Id.* at 1664-65.

56. Fiss, *Against Settlement*, 93 YALE L.J. 1073 (1983); Fiss, *Out of Eden*, 94 YALE L.J. 1669 (1985).

57. Fiss, *Out of Eden*, 94 YALE L.J. 1673 (1985).

58. *Id.* at 1671.

many possibilities, ranging from avoidance to violence. The varieties of dispute settlement, and the socially sanctioned choices in any culture, communicate the ideas people cherish, their perceptions of themselves, and the quality of their relationships with others. They indicate whether people wish to avoid or encourage conflict, suppress it, or resolve it amicably. Ultimately the most basic values of society are revealed in its dispute-settlement procedures.⁵⁹

In comparing a system of dispute resolution to that of our own, we gain a better understanding of our own legal system and the values to which we ascribe.

Intrinsic to the Amish system of dispute resolution are the religious values that bind the community so firmly together. The Amish system of dispute resolution is not based on an adherence to any form of institutional government or system of justice but rather to a devotion to religious beliefs. It is this community structure that accounts for the success of the Amish system of dispute resolution. Yet the pivotal allegiance to community values and religious beliefs exemplified by the Amish is largely absent in today's secular society. A coherent system of community values is replaced by a fragmented society in which the law and the legal system serves as the common denominator that holds society together. Faith in God and the Scriptures is replaced by compliance with law enforcement personnel and the law.

It is perhaps foolish to suggest that we might resort to some of the values that the Amish so carefully preserve. For those who seek alternatives to litigation, the Amish system of dispute resolution provides little practical guidance since it is intrinsically entwined with coherent community values — values largely absent in today's secular society. But the Amish do have something to tell us. A look into the Amish way of life highlights the dominance and relentless force of our legal system and its aggressive, competitive, and confrontational nature. Moreover, what the Amish tell us is that only when there is a shared commitment to community values and an emphasis on reconciliation can a system of alternative dispute resolution function. Any system of alternative dispute resolution that fails to realize this will ultimately falter.

Perry Sekus

59. J. AUERBACH, *supra* note 1, at 3-4.

