

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – “Contemplation of Justice”

Wisconsin v. Yoder, 406 U.S. 205 (1972)



The essence of all that has been said and written on the subject is that only *those interests of the highest order* and those not otherwise served can overbalance legitimate claims to the free exercise of religion. By preserving doctrinal flexibility and recognizing the need for a sensible and realistic application of the Religion Clauses,

"we have been able to chart a course that preserved the autonomy and freedom of religious bodies while avoiding any semblance of established religion. This is a 'tight rope,' and one we have successfully traversed."

Walz v. Tax Commission, *supra*, at 397 U. S. 672.

We must not forget that, in the Middle Ages, important values of the civilization of the Western World were preserved by members of religious orders who isolated themselves from all worldly influences against great obstacles. **There can be no assumption that today's majority is**

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"right," and the Amish and others like them are "wrong." A way of life that is odd or even erratic but interferes with no rights or interests of others is not to be condemned because it is different.