

The amish educational exemption



**ASSIGN
BUSTER**

How might a liberal philosopher argue for the view that it was right to grant an exemption in this case? How might a liberal philosopher argue against this view? Which side has the stronger argument?

The question concerns the request by Amish Parents for a Cultural Exemption to the state of Wisconsin's Universal Law requiring all children to attend school up to the age of sixteen. It asks for opposite liberal philosophical arguments, should a Universal, Difference Blind Law prevail across all cultural groups, are the Amish an exception. It raises questions of equality and definition. It asks that if a Cultural Exemption is allowed do they have franchise, is it fair, affect third parties, promotes equality, is there autonomy within the cultural group, and is it uniform in its application within the group and important to its cultural way of life and religion.

Clearly important principals for the Amish and Amish Parents are at stake but crucially mechanism's are in place to accommodate differing cultural minorities within dominant Western cultures allowing examination of the arguments and the granting where appropriate of Exemptions to Universal Difference Blind rules. Philosophical Liberal traditions underpin legislator's use of exemptions using rules, principals and definitions to adapt Universal Difference Blind laws. These work towards the protection of minorities, preserving Cultural Differences and righting discrimination. A case-by-case discovery carried out using where appropriate, argument by analogy established by previous findings and argument in the Liberal tradition help ensure legitimacy in each case and to provides that principles such as equality and fairness prevail (Pike. 2008, p95, p96)

The first argument offered in accordance with the essay question is in favour of the decision by the US Supreme Court to grant an Exemption to the Amish Parents. The application of a Difference Blind Law on this cultural group was unfair in its consequence on their religion, culture and way of life.

The Amish are a society with settled culture and traditions their members have adequate cultural and religious resources to thrive and live autonomous lives within their own cultural identity and group.

It is possible to leave or join the Amish group culture giving choice as to continuing physical involvement however as described in Reading 3. 1 (Margalit and Raz. 1990, in Pike, P118). *given the pervasive nature of the culture of groups...their influence on individuals who grow up in their midst is profound and far reaching*. So as members of this cultural group they would find profound difficulty in adjusting to other cultures making a life outside the Amish problematic. One could argue that a consequence of that is that there is no choice, that an autonomous life outside their cultural group would be unsuccessful.

Their religion deeply entwined as it is in their way of life and which especially in respect to the teaching of their children places great emphasis on ethical living, hard work and becoming a valuable member of the Amish community (Exploring-amish-country. com, 2017). In support of their contention that their children should not attend school beyond the age of 14 (against the State requirement of attending until the age of 16), they argue that the State run schools would teach their children values that would be *incompatible with the Amish way of life and endanger their children's salvation*' (Cornell.

2015 in *Assignment Booklet* . P36). The Amish parents were concerned that in both real and subliminal terms this law would expose their children to temptations around, at and in schools and taught subjects by the schools that would lead to behaviour that was incompatible with their Religious and cultural roots.

The second argument offered in favour of an exemption is one by way of analogy. Taking the exemption offered to the Musqueam band of British Columbia as the analogy supporting the case for a Cultural Exemption to the Difference Blind Rule. There are case differences of course but the key point made here is that the exemption given was not only on aboriginal fishing rights but also on the grounds of cultural identity and a desire by the legislators to preserve a long established way of life. ` *For the Musqueam, the salmon fishery has always constituted an integral part of their distinctive culture* ' (Pike. 2008, p103).

The parallel drawn is between the schooling arrangements the Amish had long organised themselves and taught in their traditional One Room schools up to the age of 14. A tradition of long standing that cherished and developed their children in the Amish culture, Religion and way of life. It was under threat by the States change of policy to bring schools together and impose education to the age of 16. Meaning bussing out of area and exposing their children to temptations that the Amish considered would put their mortal souls at risk.

Amish education's objective is to prepare their children to take a useful and full part in Amish religious and cultural life. To work hard, live ethically and

be a valuable member of the Amish community is the objective of their schooling. The intent is not to promote individuality and critical thinking. Amish education *‘ does not seek to create artists, scientists, musicians or actors but it will teach separateness from the world’* (Exploring-amish-country. com, 2017).

The changes proposed by the Canadian Department of Fisheries also imposed serious changes to the cultural mores of the Musqueam band that in time would have irrevocably changed their culture and tradition. The arguments supported as they are by the criteria given by Prof Parekh in his interview for the Audio CD (Pike, Parekh. 2008, Track 5, *Discussing Cultural Exemptions*). In recognising which differences crucially acknowledged, *‘ Fundamental moral principals... historical culture of community.... the amount of destabilisation that recognition of it is going to involve in terms of organisation and structure of the institution’*. To impose these changes on the Amish parents would impose a profound change to their way of life in similar fashion to the changes to the fishing rights now exempted by the Canadian authorities.

Exposed to cultural differences that were intolerant of their religion and way of life; the law was a major imposition on and unfair to the Amish community therefore. In attempting to create a Universal, Difference Blind law that required all children, attend school after 8th grade put the Amish at risk, of, in time losing their cultural identity.

As an alternative argument, the case of overriding principal offers a valid reason for not granting an Exemption from the Universal Law. The State of

Wisconsin has a duty to legislate equally and apply the law uniformly to all its citizens.

The Principal of equal schooling for all cannot be detrimental to any of its citizens as the key is to teach the same curriculum to all children in the state. The argument of unequal impact cannot succeed as all children are subject to the same rules and enjoy the benefits that higher education will bring (Pike, Parekh. 2008, Track 4, *Discussing Cultural Exemptions*). In taking the principal of equal schooling for all within a Difference Blind Law, the State is treating all of its citizens uniformly, equally and in a non-discriminatory manner.

Another argument against could be made on behalf of the Amish children as it could be argued that they would be discriminated against unfairly if they were denied an opportunity to attend higher education. Who is to say that the Amish children do not want to engage with the world to a greater degree than their parents do unless fully consulted? For society to live in harmony it is reasonable to learn more about other traditions, understanding would promote tolerance. Access to alternative cultures and a broader curriculum through higher education, exposing the Amish children to the opportunity of learning about other cultures and ways of life will help them understand the world as a whole. There would be a detrimental effect on the child if granted Exemption, especially if it compromised their right to determine their own autonomy in the future.

Importantly it would reduce choice for the children of the Amish reducing their chance of autonomy in other societies should they choose to transfer from one to the other

In conclusion these were serious considerations for the Amish community and their release from this universal, Difference Blind Law, which challenged their culture, religion and long-term existence was a fair decision by the US Supreme Court albeit tinged by a question over the rights of their children to take a part of this debate.

They have argued successfully that this law had a 'particular religious and cultural significance for them' (Pike. 2008, p102) enforcement infringes their right to practice their religion and lead a peaceful autonomous life within the confines of their chosen cultural resources.

A key objective of and foundation of the franchise of any Democratic Government such as that of the United States of America where this case originates must be to legislate equally (taking account that equally is not uniformity) (Pike, Parekh. 2008, Track 3, *Discussing Cultural Exemptions*) and fairly across the whole of the population. Anything else provides a platform for conflict and a lightning rod for discord. Humans are complicated, not renowned for their uniformity; many diverse cultures successfully make up humankind. Blanket universal difference blind laws do work for some of the issues facing a legislator and can form the starting point, 'Thou shalt not kill' for instance but there are many instances where common sense, pragmatism and kindness should prevail, echo real life and allow Cultural Exemptions to Universal Law. The argument being that in order to live

together we need to be respectful and revere other cultures, learn from them and protect them if possible.

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