

# Consenting Adults? Amish *Rumspringa* and the Quandary of Exit in Liberalism

Steven V. Mazie

The Amish are often cited as a paradigm illiberal group, mistrustful of and separated from the modern world. But the Amish practice of *rumspringa* complicates this common image. At age 16, Amish children are released from church strictures and given a year or more to “run around” in violation of Amish norms. Only after the opportunity to taste life with cars, electricity, alcohol, and rock and roll do Amish-raised teens decide whether to be baptized and enter the church. Consent must be express, never tacit: to paraphrase Locke, an Amish youth is born a member of no church. But is *rumspringa* a meaningful exit option? Are there plausible ways to make it more meaningful? What does this practice suggest about the debate between “toleration” and “autonomy” liberals, who divide over whether illiberal minority cultures ought to be accepted or somehow reformed? This paper brings a potent case study to the cultural rights debate and argues that both sides fundamentally err. While tolerance liberals tend to vastly underestimate what is required of a meaningful right of exit, autonomy liberals fail to appreciate how much intervention would be necessary to provide such a right. The Amish case suggests that the exit option is deeply flawed as the litmus test for whether and how minorities should be accommodated in a liberal polity.

*It all comes down to whether you want to be Amish or not. To be or not to be—that is the question.*

—Faron Yoder

These words of an Amish preacher’s son from Indiana capture a fundamental feature of life in the Amish church: voluntary membership. Every Amish teen faces a formal decision of whether to enter or abandon the Old Order Amish Church, and the Amish elders give every

teenager the opportunity to explore life outside the insular, separatist community before making that decision. The church quietly permits behavior that is otherwise strictly forbidden (including drinking, driving, dancing, and dating) and imposes no limits on how long one may take in deliberating.

Steven V. Mazie is assistant professor of politics at Bard High School Early College in Manhattan and has taught previously at Bard College, New York University, and the University of Michigan ([smazie@bard.edu](mailto:smazie@bard.edu)). His articles have appeared recently in *Polity*, *Field Methods*, and *The Brandywine Review of Faith and International Affairs*. His first book, *Israel’s Higher Law: Religion and Liberal Democracy in the Jewish State*, is forthcoming in early 2006. Earlier versions of this article were delivered at annual meetings of the Western Political Science Association (2003) and the Midwestern Political Science Association (2004) and in a Bard High School Early College Faculty Seminar (2005). The author would like to thank anonymous reviewers, the editors of *Perspectives on Politics*, and particularly Jennifer Hochschild for their valuable suggestions and criticisms. In addition, he is grateful to Herman Bontrager, Harry Chotiner, Andrey Falko, John Hagan, JoAnne Jensen, Donald Kraybill, Chandran Kukathas, Emile Lester, Carol Levy, Renanit Levy, Marc Olshan, Marek Steedman, Conrad Stern-Ascher, Jennifer Sutton, Lucy Walker, David Wiacek, Ed Wingensch, Joe Wittmer, and Lee Zook.

The rite of *rumspringa*—this “running around” period when the unbaptized Amish experience something of life in the outside world—presents a number of questions and challenges to liberal theorists. The Amish social contract is, on its face, embarrassing to liberal states, for no polity is as liberal in its membership policy. And *rumspringa* challenges liberal theorists’ assumptions about the insularity of groups like the Amish. Contemporary liberals acquainted with the Amish via *Wisconsin v. Yoder*, the landmark U.S. Supreme Court case exempting the Amish from state-mandated education past the eighth grade,<sup>1</sup> may be surprised to learn of an aspect of traditional Amish life that could have been cribbed from Locke’s *Second Treatise* (1690), if it hadn’t predated that book by several decades.

The Amish case provides grounds for reexamining two related quandaries in liberalism: the old question of liberal political legitimacy and the relatively new question of how liberal states ought to treat conservative minority cultures. In this article, I sketch the classical liberal account of voluntarist membership, provide an overview of contemporary liberal thinking about illiberal cultures, introduce the Amish and their practice of *rumspringa*, evaluate the

effectiveness of *rumspringa* as an exit option, and explore the attempts of some liberal theorists to conceptualize exit costs with an eye to lowering the barriers for individuals who contemplate leaving illiberal groups. I conclude with reflections on the shortcomings of two liberal perspectives on the question—the “toleration” and “autonomy” approaches—and propose an exit from the quandary.

## Liberalism’s Choice

“*Nobody is born a member of any Church . . . No man by nature is bound unto any particular Church or Sect, but every one joins himself voluntarily to that Society in which he believes he has found that Profession and Worship which is truly acceptable to God.*”<sup>2</sup>

“*[A] child is born a subject of no country or government. He is under his father’s tuition and authority, till he come to age of discretion; and then he is a free-man, at liberty what government he will put himself under; what body politick he will unite himself to.*”<sup>3</sup>

When Locke presented these voluntarist accounts of religious and political membership in 1689 and 1690, they were—by all accounts—false. And they are false today, if we take them as empirical claims. Membership rules of most modern states include the possibility of “naturalization” for foreign-born individuals, but all link initial citizenship to blood, soil, or both. (You are born a citizen of the United States, for example, if you are born in a U.S. territory or if your one or both of your parents are U.S. citizens.)<sup>4</sup> Religious groups have more complicated and more diverse ways of designating their members, but most ascribe religious affiliation either by birth (as in Hinduism, Judaism, and Islam) or through infant baptism (as in most variations of Christianity). So we would be too shallow readers of Locke if we were to take his radical claims at face value. In fact, in his time and in ours, we are born subject to religious and political authorities we do not choose. Locke’s contribution seems to be his claim that as a matter of political morality and legitimate religious law, no one *ought* to be born obligated to any such society. His voluntarist theory of membership provides the bedrock for one of the guiding tenets of many accounts of liberalism today: consent as the root of legitimate government.

Of the two types of consent Locke famously discusses in the *Second Treatise*—express and tacit—only the latter pertains to most of us. Other than naturalized citizens who take a prescribed oath and declare their consent to join a given polity, most of us are citizens by birthright. We do not choose to become Americans or Armenians or Costa Ricans: this status is ascribed to us by virtue of where or to whom we are born. Of course, it is sometimes possible to change our citizenship later in life, or even (depending on the rules of particular states) to add a second or a third civic identity to our collection. (And, similarly, it’s possible to convert to most religions.) But insofar as we remain on the soil of a given country—

in Locke’s words, as long as we have any “possession, or enjoyment, of any part of the dominion of any government”<sup>5</sup>—we display our tacit approval of the laws and sovereign authorities and imply our agreement to submit to them.<sup>6</sup> The predominant standard that has evolved for measuring political legitimacy, then, is not whether an individual has explicitly consented to join a society—few of us have—but whether that individual *could* show a *lack* of consent or a *withdrawal* of consent. That is, we assume people are satisfied if they have other options and nevertheless stay put.

A host of familiar objections arises to challenge this conclusion. Why should we read consent into someone staying put? Maybe the person sticks around out of fear, poverty, too little information, too much inertia, poor health, or complacency. Maybe he just has no better options available. Don’t many of us, for various reasons, willingly submit to situations we aren’t thrilled with? Maybe there are grounds for legitimacy that are substantively much more important than consent. Shouldn’t liberal states accord their citizens at least minimal rights to religious autonomy, democratic participation, freedom of speech, press, and assembly? Aren’t these and similar guarantees better standards for legitimacy than consent? (Or aren’t they indispensable complements thereto?) Relying too heavily on consent runs the risk of justifying repressive regimes that happen to have largely obedient, quiet citizens. Think of Hobbes’s plans for settling the significations in his *Leviathan* state,<sup>7</sup> or of contemporary Saudi Arabia or pre-9/11 Afghanistan under the Taliban. We wouldn’t want to make it easy for illiberal states—states that prohibit criticism of the government, states that kill dissidents—to justify their policies by pointing only to the stillness and apparent unanimity of their people.

So what is the alternative? How do we know if a state is legitimate to its individual members? Don Herzog suggests “responsiveness”: as long as a state conscientiously considers its citizens’ wishes when making policy, it is legitimate. “Consent of the governed,” he says, isn’t the heart of the matter.<sup>8</sup> Allen Buchanan ties legitimacy to the protection of basic individual rights; he concludes that “perhaps it is time to abandon consent theory once and for all.”<sup>9</sup> Christopher Heath Wellman eschews consent theory for its “historical inaccuracy” and failure to provide “unlimited secession”—what might be conceived as a particularly robust exit option—and opts for a view based on imposed Samaritan duties.<sup>10</sup> Despite its difficulties, many theorists continue to rely on some version of the consent argument. Those who are committed to a contractarian project typically develop theories allied with Kant’s notion of hypothetical consent (which asks whether one *would* or *could* rationally agree to live in a particular society, not whether in fact one *does* consent).<sup>11</sup> The liberalism of Rawls and Scanlon rely, through different mechanisms, on such a strategy.<sup>12</sup> But many liberals today seem to agree

that at least a minimal standard for legitimacy is the exit option: an opportunity to leave a group you may not want to be a part of.<sup>13</sup>

## Liberal State, Illiberal Cultures: Two Approaches

The question of consent faces liberal states not only vis-à-vis their individual members, but in terms of the sub-national groups in which citizens live as well. In the debate over cultural rights that has flourished among contemporary political theorists since the publication 16 years ago of Will Kymlicka's *Liberalism, Community and Culture*,<sup>14</sup> perhaps the most contentious topic has been how illiberal minority cultures should be treated in a liberal state. Should these groups be tolerated, protected, or forcibly reformed? Often these questions have been thought to turn on the availability of an exit option: does the group give its members sufficient opportunity to leave? Are individuals within these groups (Hasidim, Native Americans, and the Amish are often cited as examples) formally free to exit their communities? Are they well equipped to make such a choice? Should we assume that members of these groups have at least tacitly consented to their status? Although participants in the debate often attempt to carve out a middle way, their responses to these questions fall into two categories and represent two contrasting visions of liberalism.

On one wing are the "autonomy" liberals such as Joseph Raz (and, despite his disavowal of the term, Brian Barry, to whom I'll return below) who are suspicious of illiberal influences in conservative minority groups and regard the promotion of individual autonomy as the *raison d'être* of the liberal state. According to these theorists, the liberal state should not defer to minority groups when the interests of the individual are at stake. It should, under certain circumstances, act to defend individuals from the groups to which they belong. On the other side are "toleration" or "diversity" liberals—theorists who situate the principle and practice of religious toleration as liberalism's core commitment. Pointing to the Wars of Religion in post-Reformation Europe that gave rise to liberalism's birth, or to a neutralist conception of the state, or to the importance of freedom of association, these theorists (from William Galston to Charles Larmore to Chandran Kukathas, respectively) worry that the pursuit of a controversial conception of autonomy may lead liberal states to a well-intentioned but still worrisome cultural imperialism, or at least to unjust interference with diverse groups who deserve a secure place in liberal society.

Autonomy liberals, typified by Raz, urge that liberalism promote the ideal of autonomous living—a Kantian-cum-Millian mode of life in which the individual is prepared for making a series of big and small decisions over a lifetime and is free to make and revise those choices as an

autonomous rational chooser. As a good that is universally valid for all individuals, autonomy knows and respects no cultural limits. It trumps all claims to particularism because it transcends such claims: if a particular way of life is held to be choiceworthy, it should be chosen. If a practice is wrong, it is wrong in every culture. Nothing should be assumed to have value merely because it has the weight of tradition, history, family, or community behind it. These four influences, in fact, often represent unfortunate roadblocks to the autonomous life and may be the legitimate targets of the liberal state's public policy if and when they restrict the individual. Where cultural groups are sites of autonomy inculcation, they are welcome and useful. But where they fail to offer members an adequate range of choices, fail to provide a proper education, or—worst—withhold a formal exit option, the liberal state ought to consider whether to induce reform.

Raz specifies three requisites for the exercise of personal autonomy: "appropriate mental abilities, an adequate range of options, and independence."<sup>15</sup> A group that restricts personal autonomy by denying its members one or more of these conditions is illiberal and may be subject to reform attempts by a liberal state. Although Raz observes that "the pursuit of full-blooded perfectionist policies, even of those which are entirely sound and justified, is likely . . . to backfire by arousing popular resistance leading to civil strife," he insists that "the function of governments is to promote morality," not merely to prevent harm to others.<sup>16</sup> He therefore advocates a fairly thick conception of a liberal state, one that takes on illiberal enclaves through more or less aggressive means.

In opposition to the autonomy liberals is the "toleration" camp. Here we find a diverse array of theorists who distinguish their liberalisms with several adjectives. Some, such as Rawls, Macedo, and Larmore, label their project "political" (as opposed to "comprehensive" or "metaphysical"); others, like William Galston, distinguish between a Reformation liberalism, which focuses on toleration of difference, and an Enlightenment liberalism, which favors values found in the philosophies of Mill or Kant. But the terms point in similar directions: most of these theorists believe that a liberal state should be committed to a wide diversity of cultural and religious practices by staying out of these groups' affairs and, in certain cases (though this is more contentious), exempting them from laws that may infringe on their sensibilities. Among the most tolerant of the tolerationists are Chandran Kukathas and Jeff Spinner-Halev. Although they base their arguments on somewhat different premises, both Kukathas and Spinner-Halev find that a liberal state has little cause to interfere in the workings of even the most illiberal religious or cultural groups.

Kukathas constructs his argument around what some have called a theory of group libertarianism. According to this position, a liberal state neither interferes with nor

provides any positive recognition or support for any cultural groups. These cultures—whether liberal or illiberal—ought to control their own fates. The state should neither make trouble for them by impinging on their internal practices (intervention that would violate freedom of association) nor help them out when they are threatened with extinction (intervention that would abrogate liberal neutrality).<sup>17</sup>

Spinner-Halev takes Kukathas to task for the extremes to which he goes in making this claim. His main complaint is that under Kukathas's model, "no mainstream society" exists toward which members of cultural communities may turn.<sup>18</sup> For Spinner-Halev, this lack of a mainstream society in which a Hasid or a Pueblo may find room to live an alternative life makes Kukathas's argument unworkable. For only with an exit option to an alternative life, he holds, may we be satisfied that an individual has a way out of a culture she may not want to be a part of. This exit option, for Spinner-Halev, requires only the existence of a society outside the cultural boundaries. "I see no reason why each community within a larger society must provide its members with an adequate range of options from which to choose. . . . If the state is more than a plurality of groups . . . and contains a mainstream society with few restriction [sic] and provides its members with a range of options, then a particular community within it need not."<sup>19</sup> As Spinner-Halev explains,

Most Hutterites, the Amish and Hasidic Jews all know that they are surrounded by a society with different ways of life. Protestant fundamentalists, Orthodox Jews and conservative Catholics know this as well. Many Hasidic Jews live and work in New York City. How can one possibly argue that they do not see a wide range of options of how they might want to live their lives?<sup>20</sup>

This observation implies too much with too little argument. Yes, most of these people "know" that ways of life other than their own exist. Some of them know something about the options they reject or ignore. But observing the fact of diversity is not the same as appreciating the charms, opportunities, and challenges of particular ways of life, and it is not equivalent to actually exploring one or more of them. That said, the quarrel between Kukathas and Spinner-Halev is not a high-stakes argument. It is hard to imagine what a liberal community without a "wider society" could possibly look like. Is Kukathas's model unrealistic enough to fail to account for one?

Kukathas suggests that a political society prohibiting citizens from restricting their own freedom in substate associations (such as, say, in an Amish community)—even if the state otherwise strongly protects individual rights—is *illiberal* and that one featuring nothing but severely restrictive "monastic communities"—from which exit is nevertheless possible—is *liberal*. This odd contrast (between liberal authoritarian "Panoptica" and Ottoman-style "Mytopia") is designed to highlight what Kukathas takes to be

the true basis of a liberal state: freedom of association, consonant with a particular interpretation of liberty of conscience.<sup>21</sup> For Kukathas, domestic society is best conceived as an international society, a "union of associations," a radically federal model with no unifying center.<sup>22</sup> (In the archipelago metaphor, there are *only* islands, no mainland. The only ties one group has to another in this polity are the watery divisions between them, which the state is obliged only to keep free of exit blockades. It need not take the additional step of ensuring that the waters are navigable, and it certainly need not subsidize the cost of travel by buying rowboats for individuals.)

Spinner-Halev has a point when he finds no "wider society" in Kukathas's model. If none of the islands of the archipelago suits your fancy, your only option is to dive into the sea. Kukathas's "society" embraces only a collection of little societies. It has little room for a public square, a mainstream majority, or a common space where an individual is not primarily a member of a group but a member of the larger polity.<sup>23</sup> In actual societies, however, it is always the case that some mainstream culture will be available for disgruntled Hutterites or Hasidic Jews to enter. The real question is whether the bare existence of such a wider society is enough to establish that those living in separatist societies are therefore to be construed as consenting members therein, and that this consent should assuage liberals' worries about the effects of the restricted life to which these individuals submit. Given the difficulties involved in leaving an illiberal culture, it's not clear that "peering into other communities and the mainstream society to see what they have to offer" is enough.<sup>24</sup>

### Amish *Rumspringa*

Among the minority religious sects for whom Locke urged toleration in his *Letter Concerning Toleration* were the dissenting Anabaptists, one of the many new sects of Christianity that emerged after the Lutheran Reformation. The Anabaptists set themselves apart by rejecting infant baptism and holding that only adults who had found faith in Christ could consciously and legitimately choose to enter the church. The Anabaptists (literally, "rebaptizers") were severely persecuted by both Protestants and Catholics in England and across much of the Continent. They provided the foundation for several sects that would develop later, including the Mennonites, the Hutterites, and the Amish. Each of these traditional sects continues to practice adult baptism today, and each maintains a studied skepticism of and separation from modern society.<sup>25</sup>

Amish communities are found across the United States, with the highest concentrations in Pennsylvania (particularly in Lancaster County, home to 25,000), Ohio, and Indiana.<sup>26</sup> The Amish speak Pennsylvania Dutch, a German dialect, as well as English; their worship is conducted in High German.<sup>27</sup> The approximately 180,000 members

of this community hallow their Anabaptist Christian tradition and frown on innovation and many technologies. Modern comforts are generally shunned to maintain the simplicity of community and family life and emphasize the religious importance of hard work. Cars are avoided in favor of the horse and buggy. Clothes are modest and conservatively styled: women wear dresses and bonnets (to cover the hair they never cut), men don wide-brimmed hats and dark suits and grow beards upon marriage.<sup>28</sup> Gas lamps rather than electric lights illuminate the homes. No one holds insurance out of respect for God's will. Communal aid and reciprocal good will keep the communities tightly knit. Marriage comes early and babies arrive often. After finishing Amish school at age 13 (too much education is thought to lead to pride), children get jobs in factories or other Amish businesses.

Everything changes at age 16, when young adults enter *rumspringa*, and the church rules are suspended. Now the world—or a portion of it—is available to the Amish youngster. Once on *rumspringa*, children are no longer under the direct authority of church and parents. The rite of passage emphasizes the voluntary nature of Amish baptism: no one is baptized against her or his will. One must approach baptism, if at all, with a full and honest heart. And the decision may be made only after a period of “running around,” in which candidates for baptism have the chance to taste the worldly goods and opportunities they will eventually renounce. While family and tradition exert at least a degree of influence on the teens' behavior, individuals decide how to conduct themselves on *rumspringa* and when and if to return to the fold and be baptized in the Amish Church. So although the Amish are raised with the rules that they are expected to obey later in life when they get down on their knees and submit their will to God (renouncing “the devil, the world, and [their] own flesh and blood” and committing themselves to “be obedient and submissive” to the church and its strictures),<sup>29</sup> no one is born a member of the Amish Church. Membership is strictly voluntary.

*Rumspringa* has recently attracted a fair amount of attention and curiosity. In 1998 two Amish-raised youth in their early twenties, Abner Stoltzfus and Abner King Stoltzfus (no relation), were arrested for running a cocaine ring in Lancaster County, Pennsylvania. The men, both on *rumspringa* at the time, had joined forces with the Pagans, a motorcycle gang, and had been using cocaine and selling it to fellow unbaptized Amish youth for five years. The story's coverage in the national and international press brought negative publicity to an embarrassed and shaken community.<sup>30</sup> But the shocking event opened the public's eyes to a little-known feature of Amish life—a “timeout” period (not yet popularly known by the term *rumspringa*). Onlookers were puzzled by the defense offered by some church representatives suddenly thrust into the media spotlight: these men, the Amish

elders claimed, were “really not Amish” because they had not joined the church.<sup>31</sup>

In the summer of 2004, the UPN network aired a nine-episode series, “Amish in the City,” which extracted five unbaptized Amish from their settlements and deposited them in a Los Angeles apartment with an array of six non-Amish youth. Throwing Midwestern Amish kids in with a vegan, a business major, a gay club promoter, a young woman from the “inner city” and another who has “a variety of piercings and tattoos,”<sup>32</sup> the producers wanted to see what would happen when five rumspringers encountered their “modern” counterparts and were introduced to the real world (via shopping malls, sushi, bikinis, and bumper cars). Would they return to the Amish farm and give all this up? As it happens, none of the five Amish cast members has yet decided to be baptized. This was hardly a controlled experiment; the fact that these teens were willing to participate in the show—and to thumb their noses at church rules more assertively than most of their peers—suggests that their attachment to their roots was at least somewhat tenuous before UPN opened their eyes.

In the late 1990s, before “Amish in the City,” filmmaker Lucy Walker took a different tack. Rather than remove the Amish from their home environment, she found a few Amish settlements in rural Indiana willing to open up the virtually unknown practice of *rumspringa* to the outside world. In “Devil's Playground,”<sup>33</sup> Walker conducted several interviews with church leaders and adult members, but spent most of her time with the *rumspringa* kids.<sup>34</sup> Walker tracked, in particular, four Amish youths whose running around periods led them in four different directions. Common to each is a desire to try out behaviors that Amish life precludes: drinking beer, driving in cars, going bowling, watching TV, shopping for CDs at Wal-Mart, coed swimming, dressing “English” (the girls usually keep their bonnets on, while the boys go a bit wilder). And then there are the parties—the mega fetes in the cornfields drawing hundreds or even thousands of Amish teens from states near and far for drinking, dancing, loud music, and often drugs.<sup>35</sup>

Here is a quick account of how each of the four characters in Walker's film—Gerald, Joann, Velda, and Faron—spent their time free of church strictures and (to use Spinner-Halev's language) “peer[ed] into other communities and the mainstream society.”

When we meet Gerald, we find a 16-year-old kid who looks and sounds like a typical suburban slacker. He wears T-shirts and jeans (often just the jeans), has a modified buzz cut, a cigarette in his mouth and a choker necklace at his throat. Gerald decides to move out of his parents' house during his *rumspringa* in order to revel in everything that isn't Amish without suffering the inconveniences of his family's frowns. So Gerald rents a trailer in a bare lot and plays host to other rumspringers who are

looking for a good time. The scene suggests something of a devil's playground indeed: big-screen TV with video games, loud rock music, dancing, beer, drugs, pornography, sex, and terrible hangovers. At first, Gerald is an Amish kid in an English candy store: "If I was living at home," he tells Walker, "I couldn't have 200 channels of DirecTV, a stereo and Nintendo and a fridge full of beer!" After a few months, however, Gerald begins to tire of this party-animal existence and decides to move back in with his parents. As we see him bag his last load of garbage and lock up the trailer, he insists he hasn't decided to "join church," just to go home. In a *London Sunday Times* feature in 2005, we learn that he eventually moves back out, unable to commit to Amish life, yet unsure what kind of life to pursue. Eight years after Gerald began his *rumspringa*, he is still in limbo. Now age 24, Gerald is shiftless and gloomy. "Nothing excites me," he says, "I have no ambitions."<sup>36</sup>

We never get to see Joann's *rumspringa*, only her own account of her time when she was away. "Whenever there was a party, I was *there* and I was *drunk*," she says. Joann wishes, reflecting on her time out of the church's clutches, that she had never opened a beer can, never cavorted illicitly with the boys, never cut her hair or tried out alternative church services, never strayed so far from her family and the traditional Amish lifestyle. But it may have been this (what in her eyes was) extreme behavior that snapped her back into the fold. Joann makes the decision to be baptized in a few months. She understands that her life plans of marriage, child-bearing and motherhood might sound "boring" to others; but she insists that she's excited about the prospect of becoming a full-fledged Amish woman, and her honest smile bears that out. After Joann's baptism, she refuses to be filmed further (as most Amish do, out of concern that being photographed compromises one's humility) but reports off-camera that life inside the church "is all she hoped it would be."

Velda's story is more complicated than those of Gerald or Joann. Velda has suffered from depression since childhood and uses *rumspringa* to try to drown her sorrows. Like some of her peers, she begins drinking and partying and using drugs when she turns 16. But instead of extracting at least some initial joy from this liberation from church dogma, Velda sinks deeper into depression, becomes suicidal and checks herself into a psychiatric hospital. Before



Photo courtesy of Lucy Walker and Stick Figure Productions

long, her family coaxes her home and encourages her to join the church. She decides to be baptized, along with her boyfriend. But a month before her wedding, Velda realizes her mistake. She isn't cut out for an Amish woman's life of child-bearing and "tea breaks with the ladies" after all. She wants to be independent, to have a job, to lead a lifestyle of her own devising. So she decides to leave her community, her family and her fiancé. She rents an apartment and gets a job as a receptionist. Velda suffers greatly for her decision to leave, for the community and family shun those who change their mind after agreeing to join the church. As in Locke's social contract, express consent is seen as irrevocable in the Amish Church. Velda explains, "If you've joined the church and then leave, they will shun you. The shunning for them is their last way of showing you that they love you. They think that you're breaking a promise that you made to the Amish Church. They're afraid for your soul." Velda's last scene is a hopeful one, though: she has just been admitted to a college, despite her lack of a high school education, and when she calls home to tell her family, they seem happy for her. She's heading off to Dallas to enroll at the Christ for the Nations Institute. Today, Velda has her degree and is married to a fellow graduate; she works in a secretarial position.<sup>37</sup>

More articulate and reflective than his counterparts, Faron is in line to become a preacher, like his father. But he makes a number of mistakes along the way. First he develops an addiction to cocaine and crystal methamphetamine. Then he begins dealing drugs and is caught by the Indiana police. Next he turns in another Amish drug dealer to stay out of prison, but this only brings death threats from the Amish drug underworld. So Faron goes off and onto drugs, disappoints his family, moves home, works in the family furniture business, follows his beautiful Amish

girlfriend Emma to Florida, and gets into more trouble. Days after moving to Florida and securing a lawn-care job, Faron crashes his car and—making the best of it—takes a position as a valet parker at the hospital that treated the wounds he suffered in the accident. This doesn't last either, however. When Faron's valet job evaporates and he tries and fails to sell \$1,500 vacuums door to door, he moves back in with his family in Indiana. Once Faron returns home, his parents discover his loaded gun and drug paraphernalia and turn him in to the police; he serves a two-year prison sentence.<sup>38</sup> Now living in Los Angeles and considering a career in real estate, Faron is still in limbo, neither Amish nor non-Amish.<sup>39</sup> As he says at the end of the film, "I might be baptized, and I might not. Jesus wasn't baptized until he was 32!"

## Imperfect Choices

So what should liberals make of these *rumspringa* stories? Does *rumspringa* represent an effective exit option that supplies liberal legitimacy to the otherwise ultra-conservative Amish community? Does it show that all Amish are happy Amish, because they have expressly chosen the Amish way of life after a period of months or years in which they were free to explore alternatives? Or should the features that have worried some liberals about Amish communities—sharply limited education, inculcation of traditional and unequal gender roles, disdain for individuality and autonomy—still be worrisome? How does this practice affect our assessment of the role of the liberal state vis-à-vis conservative, insular minorities? Does it recommend either the "autonomy" or the "toleration" approach above its rival?

We should begin by noting just how extraordinary the practice of *rumspringa* is. No other fundamentalist religious group permits its youth such a wholesale renunciation of the rules as young adults—or at any other time, for that matter. No other religion offers its members a pass out of its structure as a preliminary to welcoming them back in. For many such groups, late adolescence is precisely the time to protect the youth from the poisonous influences of the outside world. As Donald Kraybill asks, "Why do the Amish, who fought so hard for the right to teach their children, permit rebellious teens to flirt with the world?"<sup>40</sup>

For ultra-orthodox Jews living in Israel, known as Haredim, the concept of *rumspringa* would be unthinkable. For the Haredim, a tightly knit, intensely religious community for whom Judaism "is like life itself,"<sup>41</sup> proper rearing and education of the children is fundamental. Exposure to the secular world beckoning across the street from their neighborhoods—movies, secular bookstores, rock music, immodestly dressed men and women, discotheques, non-kosher restaurants—is to be kept to a minimum. When riding on public buses, eyes are averted. When encountering non-Haredi visitors to

their neighborhoods—those who are not kept away by signs beseeching outsiders, in bold red Hebrew and English letters, to dress and behave modestly<sup>42</sup>—alternate routes are taken. Televisions and Internet connections are rarely found, for they bring "all the world's filth"<sup>43</sup> into the sanctity of the Jewish home. And joining the army at the age of 18 is the ultimate risk for a young Haredi. There, mixing with all types of Israelis, including secular Jews, traditional Jews and those who call themselves "religious" Zionists, the young Haredi will hear perspectives on the world and on Judaism he has never heard before and meet temptations he hasn't dreamt of. The risk of assimilation is one of the Haredi sector's greatest fears. A Haredi father of four explains the worry:

The worst thing that could be for the People of Israel is for us to send our youth at the age of 18, at the age of "stupid teens" [*tipeshesray*],<sup>44</sup> and you can't understand this, because you aren't capable of understanding how we educate our children. We raise them in a kind of spiritual greenhouse [*hammema rubanit*]. I cannot describe it to you because you aren't capable of understanding it. You have to get to know it from up-close. And to take the youth when he's growing up in a greenhouse and expose him to the atmosphere of the army is, quite simply, certain to damage his spiritual health. And so to send this youth at that age to this army—it's not just that it won't contribute anything to the People of Israel, but that it will damage it, God forbid. Some people say that there is no kosher food in the army, but there is no kosher *atmosphere* in the army!<sup>45</sup>

The Haredim of Israel and the Amish of Indiana share many views about how to preserve and protect their respective religious communities. Though the Amish are more mistrustful of technology and maintain a more isolated existence (the Haredim have no compunction about driving cars or using electricity, and they freely ride public buses), both communities seek to shelter themselves from threatening influences of the outside world. They construct demonizing conceptions of the Other—for the Amish, the non-Amish world is the "devil's playground." They seal off cultural conduits: both communities avoid TV, the Internet, movies and newspapers, although Haredim are much less strict with these media than are the Amish. And they keep a close eye on their kids. Although the aims of Amish and Haredi education represent opposing ends of the spectrum—an Amish child finishes school at age 13 to remain humble and begin a life of work, a Haredi man studies Torah as his life's mission with the goal of becoming a *talmid hacham* (exemplary student)—the point of both schooling systems is the same: to reproduce the ideals and traditions of the community.

So why are the Haredim so protective of their youth, while the Amish set them free during their most vulnerable and impressionable years? Doesn't *rumspringa* poke a dangerous hole in the Amish-style spiritual greenhouse? Doesn't it risk losing Amish youth to the temptations of the Devil?

As it turns out, no. Lucy Walker's film closes with a statistic showing retention rates for the Amish Church higher than ever in over 300 years of its existence. Around 90 percent of Amish-raised children return from their *rumspringas* ready to dedicate their lives to the Amish Church.<sup>46</sup> They renounce partying, give up their driver's licenses, sell their CD collections and trade in jogging shorts for modest dresses or suits. They assume a role in a society that gives little weight to the pleasures and individualism of the teen *rumspringa*. "Running around" is indeed the correct image: the youth run in circles, but few run away from their fundamental (yet unformalized) commitment to Amish life. They return, in impressive numbers, for baptism.

Why don't more Amish find the outside world a place to explore and live in? Why don't they take the option to exit in greater numbers? There seem to be four connected reasons that should give tolerationist liberals pause. First, the "English" world to which the Amish kids are introduced is a sharply limited one. Faron, Velda, Joann, and Gerald—along with thousands of other Amish teens—become acquainted with non-Amish life in a very particular setting: the materialist, consumerist culture of middle America, spiced with alcohol, drugs, and sex. *Rumspringas* do not seem to include trips to museums, reading great novels, or backpacking trips through Europe. Instead, the months (or sometimes years) of running around often seem to be spent horsing around in bowling alleys, getting drunk in cornfields or—for the milder explorers—sipping "sodas or hot chocolate" with parental supervision.<sup>47</sup>

Second, and related, the Amish upbringing does not include much exposure to alternative ways of life. It does not educate youngsters in other religious beliefs or cultures. Amish elders instill church values and beliefs—and teach vocational skills as well as reading, writing, and arithmetic—but do not foster independence of mind or critical thinking. In short, Amish students receive little formal education beyond the basics. So when they embark on their *rumspringas*, 16-year-olds have few reference points to lead them to creative explorations of the outside world. They haven't been tempted to explore the excitement of New York City through *Catcher in the Rye*; they have had no opportunity to develop curiosity about Buddhism from reading Hesse's *Siddhartha*; they haven't been exposed to the ironic affinity between their church's practices and Locke's conceptions of the church and political society, or been asked to explore that connection; they haven't considered what the theory of evolution has to say about the origin of life, or how Darwinian thought may or may not square with creationist theology. Their childhood, in short, is carefully sheltered.<sup>48</sup> In Mill's terms, they lack adequate knowledge of the possibilities of modern life available to them and therefore are ill equipped to distinguish the "higher" and "lower" pleasures of life outside the farm.<sup>49</sup> When they are one day set free, the lowest common denom-

inator of crude American culture presents itself as *the* alternative to Amish life.

Third, the choice to leave the Amish community is very costly. (I'll return to exit costs in the next section.) Beyond the shallow "English" society they dip into on *rumspringa*, Amish kids know little of what life would really be like if they chose to walk out on the Amish way of life. It becomes clear rather quickly that you cannot simply play videogames, get high, and go bowling every day for the rest of your life. Such a life is unhealthy and financially unsustainable, not to mention lonely. Inside the Amish Church, a secure and well-paying job in a factory or on a farm awaits most young people. Life is wholesome, communities are ready-made, worldly complexity is reduced to the simple values of church, hard work, and family. Leaving the church brings uncertainty at best, a solitary, poor, nasty, brutish and short life at worst. For most Amish youngsters, it's not surprising that a cost-benefit analysis leads to only one sensible answer: baptism.<sup>50</sup>

Fourth, and perhaps most importantly, the costs of choosing a life outside the church extend well beyond *this* life for the Amish teens. The children quoted in Walker's film seem to hold on tightly to one fundamental idea even as they raise the barn with raucous parties and pass joints around a circle: "I know for sure that if I decide to become Amish, I'll get to heaven," one inebriated rumspringer says. Abandoning the church, according to Amish belief, is an all-but-sure path to eternal damnation. It's not that there is no salvation outside the Old Order Amish Church—as Catholics believed about their own church until the Second Vatican Council in 1962—but that life in the mainstream world is likely to lead one to immorality, sin and an unchristian life. So the worry is this: leave us in this world, and you risk wandering into a trap that will leave you out of the kingdom of God in the next. The choice, as Faron puts it, is "to be" or "not to be." The latter option may be regarded not only as abandonment of a particular way of life, but as social and spiritual death. To elect to leave the Amish Church is, in a sense, to elect not to *be*.

All four reasons for the 80–90 percent retention rate feed into a coherent explanation. Without the intellectual tools or substantive knowledge about potentially valuable lives that exist on the other side, and without the encouragement to seek out truly distinctive experiences and ways of living, Amish teens are at a loss as to how to sit in the real world. They are virtually ineligible for higher education, having left school after the eighth grade. They are, for the same reason, unqualified for many good jobs. Socially, they are accustomed to their tight family and community lives, hold diminished prospects for deep relationships on the outside, and never shake the idea that success in the world to come depends on becoming Amish. These problems turn *rumspringa*—despite its impressive underlying concept—into a less-than-perfect exit option.



Amish life may be, as it is for Joann, an eminently choice-worthy path. But it is a mistake to regard *rumspringa* as yielding a fair exploration of alternative choices in the “English” world.

Another basic problem with the Amish exit option underlies the challenges mentioned above: the choice is black or white, and it is forever. Although anyone is free in the eyes of the state to leave the Amish Church at any time—as Velda’s story illustrates—the church imposes great social and emotional penalties for abrogating a commitment. And it demands a full, unqualified, unmodified commitment upon baptism. One must choose door number one *or* door number two. There are very limited options available to those seeking to be a moderate Amish person, or a liberal Amish person. You cannot be modern and Amish at the same time. You cannot hope to reconcile your interests in the outside world with your Amish roots. Unlike contemporary Jews, Muslims, or Protestants, for example, you cannot choose among various gradations or varieties of tradition in finding just the Amish community that suits you. (There are various Amish orders, but they are self-contained; members don’t tend to float between them at will.<sup>51</sup> And even the most liberal of the Amish churches is based on the tenet of separation from the world.)

### Reducing Exit Costs: The Paradox

The message for toleration liberals in the previous section is sobering. Even when the exit option is formalized, and even when exit is the default condition (an Amish youth must decide whether to *enter* the church, not whether to leave it), staying put is not a reliable marker of consent. But while the exit option seems insufficient as a sign of voluntary membership in illiberal cultural groups, it does seem to be a necessary feature for legitimacy. Locking people into groups, by any account, is incompatible with liberty. Susan Moller Okin agrees: “Not to be able to leave the group in which one has been raised for an alternative mode of life is a serious violation of the kind of freedom that is basic to liberalism.”<sup>52</sup> But Okin suggests that the bare exit option should not be thought to serve as a *sufficient* sign of consent, particularly for women, who in many cultures are “effectively far less able to exit their respective groups of origin than are men.”<sup>53</sup> Tolerationist liberals, for whom free exit is the litmus test—who assume that anyone unhappy in a separatist community can peer into the outside world and, with effort, choose to leave—are far too sanguine. Even when the exit option provided is as dramatic as the Amish *rumspringa*—a chance not only to peer outside the gates, but to jump over them and run around with impunity—grave doubts remain that the eventual decision represents what the child would choose if she were better informed, more broadly educated and exposed to a fuller palette of alternatives. So despite the

surprisingly liberal Amish membership policy, a policy that on the surface makes most liberal states (and liberal religions) look stodgy in comparison, it is a mistake to regard the exit option as indicative of consent. How much *less* meaningful, then, are the exit options from insular groups affording *no* such free rein to their youth. If the institutionalized right of exit from the Amish world is found wanting, then how much *less* satisfactory are practices in other cultural communities in which choice is neither formal nor free. The tolerationist’s move to read consent into an individual’s staying put looks less plausible and increasingly blind to reality.

But do autonomy liberals suggest a plausible alternative? These theorists, in fact, offer very little in the way of constructive solutions to the limitations of life in a separatist community such as the Amish. In some cases, they underestimate the depth of intervention that would be necessary to truly realize the goals they have for individuals inside conservative cultural groups. In other cases, they argue that while intervention would sometimes be justifiable, the state should eschew forcible measures because they would only antagonize members of the group and increase their extremism. In either case, the autonomy liberal seeking to smooth the path of exit for individuals in conservative cultures faces ineluctable conflicts. Providing truly free exit, it seems, is achievable only at the cost of abandoning fundamental liberal principles.

Brian Barry’s writings on liberalism and on the Amish perfectly illustrate this quandary. On one hand, Barry denies that toleration liberalism (represented by theorists such as Chandran Kukathas and Will Kymlicka) is a legitimate form of liberalism at all (he derides it as a nihilistic “cultural relativism”). On the other hand, he dismisses autonomy liberalism as incoherent. Liberalism is committed to allowing people to live their own lives in a society governed by fair institutions, he argues, not to forcibly inculcating personal autonomy. Barry’s account of liberalism’s core is universalist and egalitarian; it is defined by “the principles of equal freedom that underwrite basic liberal institutions: civic equality, freedom of speech and religion, non-discrimination, equal opportunity and so on.”<sup>54</sup> Barry recognizes the value of freedom of association as well—he does not believe that a liberal state can legitimately prevent people from joining autocratically led or otherwise anti-liberal religious or cultural groups<sup>55</sup>—but in practice he is deeply suspicious that individuals who are members of such groups can be said to remain in them voluntarily. This predominant concern with voluntariness leads me to categorize Barry as an autonomy liberal, despite his dislike of the term.

Barry’s initial caveats to his support for freedom of association are familiar. We can trust that individuals affiliating with particular groups do so legitimately when they (1) are “adults of sound mind,” (2) engage in activities “as a result of their voluntary decision,” and (3) are free to

“cease to take part whenever they want to.”<sup>56</sup> These provisions, following Barry’s stinging criticisms of diversity liberals, are surprising in how closely they match these theorists’ most basic formula: competence (measured by sanity and age) plus consent (ensured by an exit option) equals the bounds of freedom of association. There is no more familiar tolerationist liberal proposal. But as his own theory of group rights proceeds, Barry’s demands become more robust. First, he insists that “children be brought up in a way that will eventually enable them to leave behind the groups into which they were born, if they so choose.”<sup>57</sup> As with Okin’s formulation cited above, everything turns on what “enable” means (or, put differently, what amounts to a “realistic” right of exit). The most tolerant of toleration liberals understand this requirement in the barest sense: as long as the group does not use physical coercion to compel a member to remain, it is blameless.

But Barry and the autonomy liberals with whom he shares a common perspective (if not a label) insist on more. They want to lower the barriers to exit where those barriers unduly reduce the chances that an open door would be viewed as a viable portal to a different life. The question is how much the state ought to do to attempt to lower the barriers, a query that turns on assessing how high the barriers actually are. As a first pass, Barry notes that exit costs might be measured by weighing the benefits of staying in a group against the benefits of the next-best alternative choice. But this is in fact the wrong test, Barry persuasively argues, because by putting the benefits of option A (staying put) on a scale next to option B (leaving), the costs of exiting may be very significant despite the fact that the benefits of option B are appealing. (The cost of leaving the Amish Church might be very high, as we saw in the last section, but if a life on the outside is reasonably appealing—as it was for Velda—it could be voluntarily chosen.) What is needed is an assessment of the *types* of costs involved, rather than a crude approximation of their quantity.

Barry tries to provide some guidance with his ensuing discussion of exit costs, which distinguishes among three varieties.<sup>58</sup> First are “intrinsic” costs of exit, such as the lost chance at eternal salvation for an excommunicated Catholic (who still believes the central tenets of his former religion). These costs are fundamental and unavoidable; the state can and should do nothing about them. (The U.S. Congress, for example, should not try to rewrite Catholic dogma.) “Associative” costs too are difficult to reduce with the use of political tools: these are entirely legal actions, such as breaking off social relations, undertaken by group members against those leaving the fold. “External” costs, however, Barry thinks the state has a duty to reduce. These costs, such as being fired from your job because you are no longer a Catholic, amount to illegal discrimination against former members of a church or other group.

Despite Barry’s laudable attempt to clarify when the state may and may not intervene to ease the path of exit, there is a good deal of slack in this conceptual framework. First, the distinction between “intrinsic” and “associative” costs is unclear: the practice of shunning in the Amish community qualifies both as an intrinsic cost (as a fundamental tenet of the Amish *Ordnung*) and as an associative cost (as a social and familial reaction to expulsion from the church). Second, the distinction between “associative” and “external” costs, as Jacob Levy observes in his review of Barry’s book,<sup>59</sup> is merely between legitimate and illegitimate costs—put simply, between legal and illegal discrimination. Barry offers no meaningful account of the difference between these categories other than the fact that the former are acceptable, while the latter are not. And even this distinction fails to guide Barry’s central argument as he (haltingly) veers down the interventionist path. He speculates that “a case might arise” in which associative costs of exiting are so high that they render membership in a certain group non-voluntary. This means that although no action can be taken against the individuals who impose these costs (because they do so legitimately, and legally, if narrow minded), “they open the group to public intervention.”<sup>60</sup>

Barry then equivocates: “[E]ven if . . . we are inclined to say that the pressure exerted by the group is oppressive, we may conclude that there is nothing for it [sic] but to permit it to continue.”<sup>61</sup> Shunning cannot be criminalized; parents may not be disciplined for never speaking to their children again; church members may not be imprisoned for refusing to do business with ex-parishioners. So what kind of public intervention does Barry have in mind? Two types. First, he argues that the liberal state could justly require groups to pay compensation to ex-members suffering the economic costs of a boycott. A little too ingeniously, Barry maintains that this solution protects the rights of individuals belonging to the group to boycott whomever they like while protecting the departing member from economic costs of the boycott—and thus making his position in the group more voluntary. Second, Barry bizarrely suggests that the state could “insist that a church’s procedural rules should conform to the canons of natural justice, by allowing the accused to hear the case against, respond to it, call witnesses, and so on.”<sup>62</sup>

When Barry turns to consider the implications of this theory of group rights for Amish communities, he does little with the latter, thoroughly interventionist, suggestion. (Insisting that cultural groups honor the demands of “natural justice” would be incompatible with even a greatly weakened right of free association and flatly contradicts Barry’s stated support thereof; he devotes only a single sentence to the proposal.) Barry draws on the reasoning in the first recommendation, however, to argue against the Amish exemption from required participation in the federal Social Security system. Citing their beliefs

in communal social welfare, faith in God's providence and separation from the world, the Amish insist that being forced to pay Social Security taxes and receive benefits is a violation of their free religious exercise. They won a legislative exemption from the program in 1965.<sup>63</sup> Barry argues that this opt-out provision imposes illegitimate external costs to exiting the Amish Church: a member of the church who decides to leave or is forced out late in life will be bereft of both Amish social welfare and federal transfer payments in his old age. This leads Barry to ask whether Amish people enjoy a "freedom to leave" in a strong enough sense to make it plausible to say that remaining within the community is really the exercise of free choice.<sup>64</sup> He concludes that they do not and recommends rescinding the voluntary opt-out.

This idea has some merit, but the stakes are hardly as high as Barry suggests. First, the Amish have a system of private property and place high value on savings; individual Amish who save a percentage of their income roughly equivalent to what they would have paid in Social Security taxes may end up with as much or more money for their retirement than would individuals who do take part in the system. More importantly, since most Amish choosing to leave the church will do so during their *rumspringas* or soon thereafter, these individuals have plenty of time to contribute to and eventually receive benefits from Social Security. Relatively few would be tempted to leave in their 50s or 60s, by which time benefits would indeed be difficult to secure.<sup>65</sup>

The more consequential question for the Amish case—the question to which I now return—is the status of the 16-year-old's decision to be baptized or leave the fold. I suggested above that despite the apparently robust exit option provided through *rumspringa*, most Amish youth are poorly equipped to choose anything but baptism. They have a right of exit, to be sure, and they may exercise it without being ostracized by their families (only excommunication or leaving after baptism triggers shunning), but their limited understanding of the outside world and knowledge of the social and spiritual costs leaves them with a choice heavily weighted toward Amish life.

### **Conclusion: Beyond Exit, Beyond Consent**

Should the state attempt to reduce the costs of exiting the Amish Church, so that the choice is fairer? What would make for a *rumspringa* endorsable by John Locke or John Stuart Mill or Brian Barry? What, in other words, would promote the autonomy of Amish youth to a greater extent than the booze-and-drug dominated *rumspringas* so typical today?

Alleviating the limitations of *rumspringa* would require fundamental changes. At a minimum, the reforms would include modifying a number of Amish educational and social practices: rescinding the exemption from schooling

after age 14, teaching gender equality, exposing youth to multiple non-Amish ways of living, encouraging critical thought about ideas previously accepted as unquestioned dogma (including the idea that being Amish is the surest bet for a happy afterlife), and allowing a much greater range of individual choice about whether to use modern technology and how to worship. In other words, the reforms meant to provide the Amish with a "realistic" exit option would decimate Amish life as we know it. They would turn the Amish settlement into a state-run institution. This then is the quandary: true voluntariness for individuals within conservative cultures requires the liberal state to colonize and reshape these cultures in its own image; but to infiltrate cultural groups in these ways is to pursue profoundly illiberal policies.

Not even a muscular universalist like Brian Barry countenances intervention of this magnitude. He opposes the *Wisconsin v. Yoder* decision that provided the Amish high school exemption, but goes no further. We can imagine what would happen if *Wisconsin v. Yoder* were to be overturned and the Amish were required to educate their children until age 16. Assuming no legislative exemption were forthcoming, the Amish would likely adapt to the new legal reality in ways that preserved their communities' values and norms. Rather than send their children to public schools in the "English" world, the Amish would expand their own parochial schools and offer two additional years of instruction. Basic reading, writing, arithmetic and religion would remain the subjects of study; the content and methods of instruction would not edge any closer to those of a liberal education. To go beyond rescinding the exemption and to dictate the terms (rather than merely the length) of children's education, however, is to abrogate a principle of American constitutionalism that has endured for 80 years, namely, the right of parents to educate their children in private schools, whether religious or secular.<sup>66</sup> Barry never contests this principle, presumably because he still finds some value in parental rights and freedom of association. But he does not entirely face up to the consequences of this position—the continued effects on the voluntariness of life in an Amish community. Instead, he, like the tolerationist liberals he derides, limits the state's role to policing an exit option. Barry admits that the exit option is "of only limited value as a safeguard against abuse," but concludes that "it is something that a liberal state can insist on, and . . . should do so."<sup>67</sup>

Neither the toleration nor the autonomy camp provides much traction in developing a compelling account of the stance a liberal state should assume vis-à-vis illiberal groups; both are misled by their singular focus on exit options. Toleration liberals tend to assume that the simple "availability of a wider society" renders membership in substate minorities voluntary, while autonomy liberals tend to underestimate both the value of diverse forms of life and the extent of reform that would be necessary to ensure

a meaningful opportunity for exit. Both sides of this debate end up with a common policy recommendation, despite more hand wringing on the autonomy side: the state should ensure an exit option.

An exit option is indeed necessary: locking people into groups is inconsistent with basic liberty. However, leaving the gate open does not supply proof of voluntariness. The Amish, the Hasidim, various other fundamentalist religious sects and Native peoples build their communities around illiberal ideals and conceptions of the good or right life. To read meaningful consent into any particular person's membership in such a group is irresponsible to the point of ridicule. But to deny individuals the right to remain inside their communities is dangerously paternalistic. The escape from this quandary involves drawing from the main insights of each side while decentering the exit option as the conceptual tool of choice. As the diversity liberals claim, the liberal state ought to respect these individuals' rights to affiliate with their culture and allow them to set their own internal rules. But as the autonomy liberals observe, none of us should be complacent in assuming that members of these groups may easily and reflectively decide to leave their conservative religious communities. What we need is a more honest appraisal of the costs of liberalism and a chastened perspective on how much a liberal state can do to reduce the intrinsic costs of leaving one's community. Liberalism, in short, should tolerate wide diversity without always expecting to find signs that individual members have chosen their lives freely from a range of options.

As Barbara Fried argues in another context, the liberal state is not obliged to alleviate the "social costs of exit," many of which "inhere in the nature of human beings" and their social arrangements.<sup>68</sup> This is not to say that the costs of exit are negligible; indeed, they can be prohibitive. In hoping to move away from "Demos" (an imaginary heterogeneous polity), to Nozick's "Lucky Island" (where the most talented would build their own utopian society), Fried notes that the wealthy "Luckies" face four main obstacles: travel expenses, negotiation burdens in setting up the new society, unrecoverable sunk investments in Demos, and the political bond forged by their promise to live in Demos.<sup>69</sup> Despite these near-insurmountable burdens—and thus, on some level, the untenability of saying "if you don't like it, leave it"—Fried argues that each cost stems "from circumstances that appear . . . morally neutral."<sup>70</sup> The state cannot be held responsible for the difficulties individuals face in seeking out alternative political arrangements. Likewise, it should not take responsibility for ensuring an easy transition for individuals who might want to leave their substate communities. The contours of *rumspringa* are solely the business of the Amish Church, not the liberal state.

Pointing to the futility of the exit option as a reliable marker of consent should not, then, lead to grand attempts to reduce the costs of exit. Such a strategy—like that of

Brian Barry—promises to be fruitless, paternalistic, or both. But neither should this recognition lead to complacency about the actual conditions of life in some of these groups. While Kukathas would agree that exit options alone provide little proof that an individual chooses her community, he clings to the idea that one's status in an illiberal group—despite a lack of choice—is best conceived as "free" if she has a right of exit. In lieu of choice or voluntariness, all Kukathas hopes to find is "acquiescence"—a kind of resignation to the circumstances in which one finds herself.<sup>71</sup> The line between tacit consent and acquiescence is faint, if it is even possible to draw. But if there were such a line, construing members of intolerably oppressive groups as "free" as long as they are not prohibited from leaving is to reduce the concept of freedom to a Hobbesian "absence of opposition."<sup>72</sup>

On Kukathas's interpretation of human freedom, groups guaranteeing exit rights can do no wrong—or, more precisely, no wrong that the state should seek to correct. The state, in his view, should refrain from protecting individuals from even the most oppressive treatment by the communities they inhabit. Kukathas admits that female genital mutilation and the denial of blood transfusions to children are "clearly cases of oppression," but he opposes using the power of the state to correct these ills. Pointing to Iran's suppression of the Baha'i and Australia's mistreatment of Aboriginals, Kukathas worries more about oppression *of* minorities by the state than oppression *by* minorities of its members. But this "decentralization of tyranny,"<sup>73</sup> founded on a fundamental mistrust of the state, leaves political theorists with little to talk about. With a less skeptical perspective on the capacity of the state to distinguish the tolerable (for example, sectarian education) from the intolerable (for example, genital mutilation) and to use its power judiciously, and with more honesty about the often unfree status of individuals in illiberal groups, we can gain critical purchase on these groups' practices. Many illiberal groups, after all, are committed to far more worrisome activities than those of the Amish. However the polity decides to distinguish between minority practices that should and should not be tolerated, all sides should steer clear of the canard of consent.

The often formidable difficulties associated with leaving one's home society or substate community are a fact of life that the liberal state is and ought to be powerless to correct. Just as the costs borne by wealthy people seceding from a welfare state are no cause for legitimate complaint (as Fried argues), the forces attracting Amish youth to baptism and away from modern forms of life should not vex liberals. Yes, *rumspringa* is no panacea; the choices it enables are imperfect, to put it mildly. But no choice is perfect. Few of us make fundamental life decisions only after a full and fair consideration of the available alternatives. (How many readers of this journal have seriously contemplated the possibility of living an Amish life?) The

liberal state lacks both the authority and the capacity to perfect our choices.

## Notes

- 1 *Wisconsin v. Yoder*, 406 US 208 (1972).
- 2 Locke 1983, 28.
- 3 Locke 1988, 347 (§118).
- 4 See the U.S. Immigration Bureau Web site [http://uscis.gov] and Stevens 1999, 136.
- 5 Locke 1988, 348 (§ 119).
- 6 Locke argues that tacit consent does not make one a full member of a commonwealth but only a subject of it (see §122). But in practice, most states then and today have no concept of native-born aliens in their midst: Foreigners may be subject to the laws without becoming citizens, but a child born in Little Rock has no option of remaining stateless. His membership in the American polity is, for better or worse, automatic. (Because Germany's citizenship rules are still based primarily on blood, the same isn't true of the son of a Turk born in Germany.)
- 7 Hobbes 1994, part 1, chap. 4.
- 8 Herzog 1988, 205–8.
- 9 Buchanan 2002, 702.
- 10 Wellman 2001.
- 11 Kant 1983.
- 12 See, for example, Rawls 2001, 14–18, for his definitive word on the original position and Scanlon 1999.
- 13 See, for example, Galston 2002.
- 14 Kymlicka 1989.
- 15 Raz 1986, 372.
- 16 *Ibid.*, 429, 415.
- 17 Kukathas 1992.
- 18 Spinner-Halev 2000, 84.
- 19 *Ibid.*, 49.
- 20 *Ibid.*, 50.
- 21 Kukathas 2003, 98–99.
- 22 *Ibid.*, 27–29, 84, 163.
- 23 Kukathas does envision a kind of public sphere in his liberal society: “a kind of settlement” among the associations to “regulate their interaction.” This public sphere (or public spheres, since any particular group may not interact with certain other groups at all but encounter others quite often) lacks the degree of “stability and social unity” to which many liberals, including Rawls, aspire. In fact, it lacks any institutions or symbols of polity-wide cohesiveness or character. For Kukathas, this is not to be regretted: “we should be less concerned about social unity in the polity.” Kukathas 2003, 131–33, 164.
- 24 Spinner-Halev 2000, 53.
- 25 There are, however, gradations of insularity. The Old Order Amish, the mainstream Amish sect, is less conservative than the Andy Weaver and Swartzentruber groups but more traditional than the New Order Amish. Wasag and Donnermeyer 1996, 236.
- 26 Kraybill 2001, 335, 336.
- 27 Frey 1945; Hostetler 1993, 241–44.
- 28 In line with their pacifism, however, men are obliged to shave their upper lips to avoid resembling European military officers. Kraybill 2001, 63–65.
- 29 Kraybill 2001, 119.
- 30 See, for example, CNN 1998.
- 31 Kraybill 2001, 184.
- 32 These quotes are taken from the participants' biographies on the show's Web site, which has since been removed from www.upn.com.
- 33 The film garnered several accolades, including an Independent Spirit Award nomination for Best Documentary in 2002.
- 34 Walker notes the difficulty of finding good subjects for her film: Amish children have “been trained to keep their heads down, humble and invisible, in the middle of the crowd. Amish teenagers are also drastically less articulate than their ‘English’ [non-Amish] counterparts. English is their second language, there's no time for introspection, personal opinions are avoided, and analytical reasoning is suppressed. Of the few kids who would talk to us, very few wanted to be filmed, and fewer still could discuss themselves or their religion.” Once articulate children were found, establishing a relationship was another challenge: “Each one of those introductions took days of visits and discussions. We had to earn trust every step of the way. Even with the teenagers it was crucial that I knew and respected Christian principles. It helped to refer to parables to explain our work. I spent a lot of time reading the Bible.” 21C Magazine 2002.
- 35 The “running around” periods of most of the youth in the film fall on the wilder end of the spectrum. As Donald Kraybill notes, while some teens “openly mock” church rules during *rumspringa* and “sow their wild oats” by engaging in rebellious activity, “the majority of them enjoy their freedom in fairly traditional and quiet ways.” Kraybill 2001, 185. Still, the characters in Lucy Walker's documentary are not outliers: there are many Amish who engage in quite a lot of mischief during their periods of freedom.
- 36 Ariel Leve, “Back to the Future,” *Sunday Times* (London). January 30, 2005.
- 37 Author e-mail correspondence with Lucy Walker.
- 38 21C Magazine 2002.
- 39 Author e-mail correspondence with Lucy Walker.
- 40 Kraybill 2001, 184.
- 41 Yehuda 2000.
- 42 One large yellow poster on Mea She'arim St., signed by “Residents of the Neighborhood,” reads, in

Hebrew and English: “DO NOT ENTER OUR NEIGHBORHOOD IN GROUPS. The residents of our neighborhood are committed to preserving—for themselves and their children—high religious standards in matters of dress and modest behavior. The fact is that visits by **groups** of any kind, even if they were to conform to our standards and even if they were to be made up exclusively of people from our neighborhood, would be difficult for us to tolerate.” Another sign, at the eastern entrance to the neighborhood, bellows in large Hebrew letters: “You are entering a Haredi neighborhood. **PASSAGE FOR WOMEN IN MODEST CLOTHING**

**ONLY!** Long sleeves \* Long skirts \* No bare skin.”

- 43 Yehuda 2000.  
 44 This slang term, a playful combination of the Hebrew words for “stupid” (*tipesh*) and “teenager” (*esrei*), connotes a frivolous, impressionable adolescent.  
 45 Nosson 2000.  
 46 Kraybill 2001, 186.  
 47 *Ibid.*, 146.  
 48 It might be objected here that the Amish aren’t the only ones to blame, as too few *mainstream* American high schools do a terrific job of teaching critical thinking or exposing students to a diverse array of options and interests. That’s certainly (and lamentably) true. But there is a qualitative difference between Amish and most other educational philosophies—a difference between teaching for a separate way of life and teaching for life in a complex world.  
 49 Mill 1987, 279–81.  
 50 Kraybill 2001, 186.  
 51 Greksa and Korbin 2002.  
 52 Okin 2002, 206.  
 53 *Ibid.*  
 54 Barry 2001, 122.  
 55 *Ibid.*, 123–24, 148.  
 56 *Ibid.*, 148.  
 57 *Ibid.*, 149.  
 58 *Ibid.*, 150–51.  
 59 Levy 2004, 335–36.  
 60 Barry 2001, 152.  
 61 *Ibid.*  
 62 *Ibid.*, 154.  
 63 Ferrara 2003, 137.  
 64 Barry 2001, 192.  
 65 The decision to leave the church after baptism is usually related to economic challenges and “occurs after marriage and at the beginning of the child-bearing stage.” Hostetler 1993, 104.  
 66 In *Pierce v. Society of Sisters* (1925), the Court ruled that “the fundamental theory upon which all governments in this Union repose excludes any general power of the state to standardize its children by

forcing them to accept instruction from public teachers only. The child is not the mere creature of the state . . .”

- 67 Barry 2001, 244.  
 68 Fried 2003, 65–66.  
 69 *Ibid.*, 66.  
 70 *Ibid.*, 66–67.  
 71 Kukathas 2003, 113.  
 72 Hobbes 1994, chap. 21.  
 73 Kukathas 2003, 136–37.

## References

- 21C Magazine. 2002. Devil’s playground: A film by Lucy Walker. [http://www.21cmagazine.com/devils\\_playground.html](http://www.21cmagazine.com/devils_playground.html).  
 Barry, Brian. 2001. *Culture and equality: an egalitarian critique of multiculturalism*. Cambridge: Harvard University Press.  
 Buchanan, Allen. 2002. Political legitimacy and democracy. *Ethics* 112 (4): 689–719.  
 CNN News. 1998. Amish men plead guilty to dealing drugs. October 6. <http://www.cnn.com/US/9810/06/briefs.am/crime.amish/>.  
 Ferrara, Peter J. 2003. Social security and taxes. In *The Amish and the state*. 2nd ed. Ed. Donald B. Kraybill. Baltimore: Johns Hopkins University Press.  
 Frey, J. William. 1945. Amish “triple-talk.” *American Speech* 20 (2): 85–98.  
 Fried, Barbara. 2003. “If you don’t like it, leave it”: The problem of exit in social contractarian arguments. *Philosophy and Public Affairs* 31 (1): 40–70.  
 Galston, William A. 2002. *Liberal pluralism: the implications of value pluralism for political theory and practice*. Cambridge: Cambridge University Press.  
 Greksa, Lawrence P., and Jill E. Korbin. 2002. Key decisions in the lives of the old order Amish: joining the church and migrating to another settlement. *Mennonite Quarterly Review* 78 (4).  
 Herzog, Don. 1988. *Happy slaves: A critique of consent theory*. Chicago: Chicago University Press.  
 Hobbes, Thomas. 1994. *Leviathan*. Ed. Edwin Curley. Indianapolis: Hackett.  
 Hostetler, John A. 1993. *Amish society*. Baltimore: Johns Hopkins University Press.  
 Kant, Immanuel. 1983. On the proverb: that may be true in theory, but is of no practical use. In *Perpetual peace and other essays*, 61–92. Indianapolis: Hackett.  
 Kraybill, Donald B. 2001. *The riddle of Amish culture*. Baltimore: Johns Hopkins University Press.  
 Kukathas, Chandran. 1992. Are there any cultural rights? *Political Theory* 20 (1): 105–39.  
 ———. 2003. *The liberal archipelago: a theory of diversity and freedom*. Oxford: Oxford University Press.

- Kymlicka, Will. 1989. *Liberalism, community and culture*. Oxford: Oxford University Press.
- Levy, Jacob T. 2004. Liberal Jacobinism. *Ethics* 114 (2): 318–36.
- Locke, John. 1983. *A letter concerning toleration*. Indianapolis: Hackett.
- Locke, John. 1988. *Second treatise of government*. In *Two treatises of government*, ed. Peter Laslett. Cambridge: Cambridge University Press.
- Mill, John Stuart. 1987. Utilitarianism. In *Utilitarianism and other essays*, ed. Alan Ryan. London: Penguin Books.
- Nosson [pseud.] 2000. Interview by author. 30 May 2000. Givat Ze'ev, Israel (West Bank). Transcript of tape recording [Hebrew].
- Okin, Susan Moller. 2002. "Mistresses of their own destiny": group rights, gender and realistic rights of exit. *Ethics* 112 (2): 205–30.
- Pierce v. Society of Sisters. 268 U.S. 510 (1925).
- Rawls, John. 2001. *Justice as fairness: a restatement*. Cambridge: Harvard University Press.
- Raz, Joseph. 1986. *The morality of freedom*. Oxford: Oxford University Press.
- Scanlon, T.M. 1999. *What we owe to each other*. Cambridge: Harvard University Press.
- Spinner-Halev, Jeff. 2000. *Surviving diversity: religion and democratic citizenship*. Baltimore: Johns Hopkins University Press.
- Stevens, Jacqueline. 1999. *Reproducing the state*. Princeton: Princeton University Press.
- U.S. Immigration Bureau. U.S. citizenship frequently asked questions. [http://www.usimmigrationbureau.org/citizenship\\_faq.html](http://www.usimmigrationbureau.org/citizenship_faq.html)
- Walker, Lucy. 2002. *Devil's Playground* (documentary film).
- Wasaq, Samson W., and Joseph Donnermeyer. 1996. An analysis of factors related to parity among the Amish in northeast Ohio. *Population Studies* 50 (2): 235–46.
- Wellman, Christopher Heath. 2001. Toward a liberal theory of political obligation. *Ethics* 111 (4): 735–59.
- Wisconsin v. Yoder*. 406 US 208 (1972).
- Yehuda [pseud.] 2000. Interview by author. 1 May 2000. Jerusalem, Israel. Transcript of tape recording [Hebrew].