Difference between Amish and Mennonite Legal Systems

Turki Alotaibi

Santa Clara University

**Introduction**

Both the Amish and the Mennonites originated from a Protestant tradition that is otherwise known as Anabaptism, i.e. to mean; being baptized again. The tradition traced its start in the 16th century. Aside from the common origin of the Mennonite as well as the Amish groups, they both also believe in the idea of applying their religious beliefs to all their daily life practices. However, their interpretation of how the practices, are to be lived out, is the point of variation between the two communities. As such, the Amish have completely separated themselves from the world. However, the Mennonites believe in living in the world but not being of the world. This paper, discusses the two communities, with the sole purpose of identifying and analyzing the difference between their legal systems.

**The Amish Legal system**

The Amish do not have any national legal or rather court system. They, however, abide in the non-resistance as well as excommunication principles. The Amish legal system has three primary stems including the Ordnung, punishment as well as forgiveness.

* *The Ordnung*

The Ordnung are the systems by which to abide.as such; they often adhere to a primary set of rules which their founders created. As such, the rules, work to clarify their separation, apostasy, exclusion as well as non-resistance principles.in this case, the district members must adhere to their local Ordnung. It is rather, a kind of informal policy which defines and also regulated the way of life of the Amish (religious as well as social life). As such it was an unwritten guide where the Amish minister would state, ‘despite the view of an outsider that the *Ordnung* is suppression bondage and law, anyone who has practiced living in a respectful Ordnung will appreciate is value. It offers the freedom of the heart, a sense of peace as well as a clear conscience’.

 The Taboos in the Amish community include:

* Owning a Television or a vehicle,
* Wearing makeup or even jewelry (inclusive of wedding rings)
* Filing a lawsuit.

Other *Ordnung* violations range from using a tractor, flying an airplane, participating in politics as well as posing for a TV program. In fact, the Ordnung goes as far as dictating the harness type that is used on horses as well as the ornamentation on the buggy. As such, in the Amish community, children simply observe the adults and learn the Ordnung. In other cases, Teenagers may rebel against the way of life that the Ordnung dictates, but after baptism, the adults declare their Christian beliefs and continue to adhere to the Ordnung through their lives.

**The Amish ‘trial'**

The Amish Trial was a means through which they would establish guilt in the community.in the Amish community, the Bishops as well as the church ministers come to learn of any Ordnung violations through observation as well as gossip. The deacon together with the one minister, take the time to visit the church member who is thought to have violated the Ordnung. If the prospective member expresses, some regret for their actions, the clergy would ignore the offense they committed and hence, the offender would not need to confess publicly. However, if the member, keeps up with the violation and disobedience to the Ordnung, the ministers, will have a private meeting on the next worship service during which the Bishop will recommend the punishment that best suits the prospective member. After the worship service, the ministers would carry out a hearing, in from f the whole congregation, whereby the bishop would ask the ‘defendant,' who in this case, is the disobedient member, a couple of questions. The questions would be about his actions, and the defendant is then given the opportunity to explain his course of action, as well as to correct any of the faction errors. The defendant then goes out of the meeting room, and in a case where no, new information comes up, and then the Bishop would recommend the punishment.

Despite the fact that the Bishop has enormous authority such that he can recommend either the excommunication or the reinstatement of the members, the congregation still has to vote to establish whether or not to excommunicate or even reinstate the prospective member. As such, the minister asks the member whether or not they are in agreement with the proposed punishment (Schubert, 2014). Unless there are any new facts known to the member, that the ministers are not familiar with, the congregation always agrees with the punishment that the bishop recommends. As such, before the Defendant comes back to get the verdict, the congregation is required to unanimously, be in agreement with the punishment.

**Punishment**

In the Amish community, punishment is often either excommunication or shunning of a member. As such, when disobedient members do not confess their sins, the congregation always has the option of unanimously voting to excommunicate as well as reinstate or shun the adults that fail to obey the Ordnung. Shunning in this case often results in solitary confinement (Hostetler, 2014). Moreover, the adults who are unbaptized could leave the community and come back for visiting without being shunned. There are three types of individuals who are rather excluded from the church. Such would include:

1. Individuals that live in open sin
2. People who cause divisions
3. Individuals who teach false religious doctrines

Shunning never takes place until the offender, continuous to be rebellious been after several warnings. Individuals who fail to follow the rules are subjects to some constraints from mild to severe. Such constraints include:

* Personal or rather conscience inhibitions
* Gossip
* Voluntary confession to the church for law violations
* Necessitated abstinence from the proceeding communion
* If the offender stays rebellious, they are subject to admonishment from the preacher as well as two other people, usually, two men.
* Immediate excommunication as well as shunning until they repent. Such occurs in offenses such as adultery, drunkenness, or owning automobiles.

The Amish community does not, however, force the excommunicated members to leave. Instead, the church simply reinstates them. For instance, in a case, where a young adult, is excommunicated, they can continue living with their parents and also attend church, but they can never, sit together, or at dinner with the baptized adults. They can also never use their buggy to drive their siblings to church (Moon, 2009). Moreover, if the individual is not able to repent, eventually, they will be required to leave to allow their parents to take the communion again. In most cases, an innocent couple can request excommunication, to ensure that a married couple is not forced to shun each other.

Any Amish who goes on to knowingly eat with an individual who has been excommunicated would also be shunned. However, if the individuals do so unknowingly, then they will not be shunned since the Amish never shun an innocent individual. It is not at all times that the Amish people will uniformly impose sanctions, especially those based on age as well as occupation. Therefore the changes in the Ordnung, which in this case is their law, take place whenever the discipline, is not imposed uniformly. The Old in the community often enjoy some privileges such as having an indoor plumbing. As such, when such a privilege is granted, then the community changed their Ordnung. The young people who have no farms are allowed to work in the construction sites temporarily as well as use the powered equipment in the worksites. Furthermore, they depict some extent of leniency is the enforcement of the Ordnung. For instance, the church could give the farmer six months or even until the proceeding communion to remove the rubber tires for their tractor to help save some money to buy steel wheels and hence avoid excommunication. However, adulterous as well as divorced individuals are never granted any leniency but are rather excommunicated immediately.

Another factor to note about the Amish and their laws is that the various Amish communities have varied *Ordnung,* and hence they treat shunning differently. For instance, most of the church districts often have strict restrictions on the use of tobacco, and as a result, they excommunicate any persistent smokers. However, some conservative Amish communities have no restrictions on the use of Tobacco. Excommunication and shunning are the primary tools for instilling discipline in the Amish who become disobedient to the *Ordnung.* The two approaches ensure that the Amish people stay faithful to their way of life.in some cases, the accused often feel like they were accused unjustly by the arbitrary rules (Hostetler, 2014). However, the ‘wrongfully accused offender’ has no chance to appeal the case as such; the Amish have neither recourse nor a court of appeal. In that case, once the church has excommunicated an individual, they are automatically shunned until they decide to repent even if they believe that they have been accused wrongfully.

**Forgiveness**

 In the Amish community, repentance is a key element of the legal system. As such the community openly welcomes back any excommunicated member who comes out to confess their sins and repent publicly. As such, they are accepted into the community within two to three weeks after they confess and repent their sins (Hostetler, 2014). However, the excommunicated member is not allowed to ‘talk back’ to their accuser or even to the ordained ministers if they are to be reinstated back to the church. Minor offenses like disobeying the Amish dress code or even having a conflict with another person are solved through formal apologies to the church (Hostetler, 2014). For cases of major offenses like adultery, fornication or teaching false doctrines, the offender is expected to confess and repent while kneeling and must also seek the permission of the bishop before they are allowed to return to the church.

**Mennonite Legal Systems**

The Mennonite Legal System is quite different from that of the Amish community. As such, both of them borrow from the teachings of the Bible, but the Mennonite Legal Systems have embraced the modern world. For instance, the Mennonite Laws just take the shape of the laws in the states where they leave only that they borrow their practices and rules from the Bible, teachings. They understand the call of Jesus Christ, and as such, they practice their call to discipleship (Moon, 2009). They believe in following Jesus, in his ways of peace as well as reconciliation. Unlike the case of the Amish, where the districts Ordnungs strictly guide the resolution of disputes, the Mennonites do not have an Ordnung. They thus use the scripters, primarily, the new testament to base they methods of resolving disputes well as other issues of justice (Global Anabaptist Mennonite Encyclopedia Online, 2013). The believers would use the teachings to formulate the best way of responding to various situations.

The Mennonites have not distinctively separated themselves from the state laws, as such they still depend on the government laws to resolve issues and seek justice. In that case, they use the discerning guidance to ensure that they remain faithful to Christ. Unlike the case for the Amish laws, the role of law in the Mennonite community is to maintain order. Laws also serve to establish the requirements of justice as far as the societal values are a concern. It differs from the strict rules of the Amish laws that govern all the tiny details including the dress code of the members. As such, the Amish legal system requires that the members uphold the law and also honor all their legal duties as well as voluntary agreements.in all that the primary focus is to ensure that they maintain their commitment to making peace as well as reconciliation.

The Mennonite Legal System is a restorative system which is based on the value of victim-offender reconciliation (Urry, 2006). It is different from the Amish system whereby the focus is on the crime itself and not restoring the individual. As such, for the Amish, excommunication, and shunning, is the way to tackle any law-breaking issue in the community. They do not focus on having the victim of the crime as well as the offender, to reconcile and have peace. For instance, in Amish community, the excommunicated member does not take back to their accuser, but rather they write a formal apogee t the church. As such, most of the settlement activities are between the offender and the church rather than the victim and the offender.

In the Mennonite Legal Systems, the offenders are brought to the homes of their victims, such that thy get to understand the adversities of their actions and their implication to the community (Schubert, 2014). As such, the Mennonite Legal System emphasize on the Christian principles of peacemaking as well as personal salvation. As such it emphasizes on the necessity of the whole community being engaged in addressing criminal behavior around them.as such, it varies from the Amish system where the Bishops and the Ministers, are the core factors in solving crimes and reducing criminal behavior. As such, in the Amish community restoration and community involvement is not a significant factor. Rather, the Amish simply believe that once an individual is excommunicated and shunned, they will not repeat the offense, which might not be the case.

The most significant factor for the Mennonite Legal System is the restitution of the offenders. For instance, if the offender, vandalized another person’s car, they will not just have a hearing and get excommunicated like is the case in the Amish system (Urry, 2006). Rather, they will be required to pay for the car repairs, as a way ensuring there is peace between both the victim and the offender, and that the offender pays for his wrongdoing.

Another difference between the two justice systems is that information concerning an individual breaking the law. For the case, of the Amish legal system, the Bishop and the church ministers obtain information from gossip and in most cases, solid evidence in not of great significance. However, in the Mennonite Legal System, the evidence is a key element, before the individual is accused or rather punished. Moreover, the modes of punishments in the two systems also vary to a large extent. For one, the Amish simply punish an offender by excommunicating the, from the church and shunning them from the community. However, such is not the case for the Mennonites. The Mennonite initial step is restoration, but in cases, of great magnitude, they turn to the courts, where one will be taken to jail, or forced to pay fines, as a way of paying front heir offenses. Furthermore, for the Mennonite, the church, as well as the congregation, must be involved, before any case involving their member or institution is taken to courts. As such, they have to accept and be involved in it.

Also, for the Amish, trials are held by the church Bishop as well as the ministers. The verdict is determined by the ministers, and punishment recommended by the Bishop, who is seconded by the congregation (Global Anabaptist Mennonite Encyclopedia Online, 2013). As such, the justice system is literally, the church clergy. They do not have courts, or even court systems, to do the judgment and persecution. For the Mennonite Legal Systems, the court is also involved in high-order cases. As such, the system is not purely dependent on the church clergy. Thus verdicts are not always passed by the bishop, ministers, and the congregation.in that case, unlike is the case for the Amish, in the Mennonite Legal System, if an offender feels they have been wrongfully accused, they have a chance to appeal. The system is not as strict as the case of the Amish, where once a verdict is declared, the offender cannot appeal. Instead, they are forced to confess and repent publicly or, be shunned.

As such it is evident that the main source of the split between the Amish and Mennonite Legal systems is their focus. The Mennonite Legal System focuses on restoring the offender and maintaining peace in the community; while, the Amish, are so focused, on ensuring that the members stick to the Amish way of life. As such, despite the fact that both systems trace their roots from the biblical teachings, the Amish laws are so strict and look into tiny elements of behavior (Hostetler, 2014). They are focused on ensuring that Amish people are distinctively separated from the world, and do not engage in the social changes around them. The Mennonite Legal System is for personal salvation rather than forcing people into a traditional form of laws and life. As such, to sum it up the Mennonite Legal System has more freedom than the Amish legal system.

**Conclusion**

The Amish and the Mennonites are two communities that share common roots as well as beliefs. They are both Anabaptism communities that have Christian-like beliefs. The two communities, however, differ regarding their practices as well as interpretation of the biblical teachings. As such, their; legal practices, as well as laws, also vary to some extent. For instance, it is against the Amish laws to use technology or dress in the modern way of life. However, the Mennonites allow their members to embrace the modern way of life and use technology. Moreover, the Mennonite legal system is more of a restorative system, whereas that of the Amish is not. The Mennonites believe in mediation and reconciliation as a way of fostering some sense of community while the Mennonites, are strong believers, of excommunication and shunning practices. As such, the paper has analyzed the differences between the legal systems of the Amish and the Mennonites and established that the two vary to a great extent.

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