

Deteriorating Religious Liberties in Europe



July 30, 1998

Briefing of the
Commission on Security and Cooperation in Europe

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ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

BOSNIA, CROATIA, MACEDONIA AND SERBIA: ELECTORAL AND POLITICAL OUTLOOK FOR 1999

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DETERIORATING RELIGIOUS LIBERTY IN EUROPE

THURSDAY, JULY 30, 1998

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
WASHINGTON, DC

The briefing took place in room 2200, Rayburn Office Building, Washington, D.C., at 2:07 p.m., E. Wayne Merry, Chair, presiding.

Mr. Merry. Good afternoon. I would like to welcome you to this public briefing of the Commission on Security and Cooperation in Europe. My name is Wayne Merry, Senior Advisor to the Commission.

To begin, I would like to introduce the Staff Director of the Commission, Mr. Michael Hathaway, who will say some words about rescheduling the joint hearing with the House International Relations Committee we had hoped to hold this morning.

Mr. Hathaway. Yes. As many of you may know, we had originally been scheduled to have a hearing today at 10:00 a.m., captioned, "Continuing Religious Intolerance in Europe." Because of last Friday's tragedy, and out of respect for the deceased officers and in consideration of the folks who wanted to attend the funeral, Chairman D'Amato and the Co-Chairman, Congressman Smith, decided, in cooperation with Chairman Gilman (because it was going to be a joint hearing with House International Relations), that we would cancel this morning's hearing.

However, we are planning to reschedule, presuming that the International Relations Committee's schedule and the Commission's schedule can be made to match up, for some time in September. We do not have an agreed-upon date, and when we do we will issue a notice of the new hearing.

Thank you.

Mr. Merry. Today's briefing is one of a series which the Commission on Security and Cooperation in Europe has been conducting and will conduct on the subject of religious liberties within the OSCE region.

For those of you unfamiliar with our efforts, let me just say briefly, the Commission on Security and Cooperation in Europe is an independent U.S. Government agency established by the Congress 20 years ago in the aftermath of the signing of the Helsinki Final Act.

The statutory mandate of the Commission is to monitor the implementation of the commitments under the Helsinki Final Act, with emphasis on those affecting human rights.

The Commission is composed of nine members of the Senate, nine members of the House of Representatives, and three commissioners appointed by the President. It is supported by a permanent staff.

In recent years, the work of the Commission has increasingly focused on what we perceive to be a developing problem of restrictions on religious liberties in several countries who are participating States to the OSCE. Unlike in the cold war period, where the focus of this attention was primarily on countries who professed either atheistic or at least semi-adversarial positions toward religion, today we find increasingly that we must turn our

attention to countries which traditionally had a much more tolerant view toward religious minorities. We find that today our attentions are not only concentrated on countries of the former communist world, though in a number of those countries there are serious problems which we follow with some care, but also on countries in Western and Central Europe.

Our procedure today will be to have presentations by our two guest speakers, followed by an open period of comment, questions and answers. All activities of the Commission on Security and Cooperation in Europe are public; therefore, the proceedings today will be transcribed and will become part of our normal publication series, which is also available on our web site.

Let me say that if anyone here wishes to know more about the activities of this Commission in the area of religious liberty, I refer you to our Counsel on Religious Liberty, Karen Lord, who is in the back corner of the room near the door, who will be happy to be in touch with you.

One of the most important speakers scheduled for the joint hearing scheduled for this morning was Doctor Massimo Introvigne. He had already departed Italy on his way to the United States before we canceled that session, but we are very much delighted to be able to have him here this afternoon.

For anyone who follows questions of religious liberty in Europe, I believe Doctor Introvigne really needs no introduction, but I will give him a brief one anyway.

He was born in Rome in 1955. He is a lawyer, and he is a member of one of the largest law firms in Rome, and also teaches part time at the Athenaeum Regina Apostolorum in Rome.

Most importantly from our point of view, he is Managing Director of CESNUR, the Center for Studies of New Religions, which is an international association and research center in the field of new religious movements.

He has authored or edited some 20 books and more than 100 articles in a variety of languages, and I am delighted to welcome him here today.

Dr. Introvigne. I thank you for your invitation, I am very much honored to be a part of your thoughts on behalf of religious liberty, and while I had prepared a text discussing the various parliamentary reports of Europe, I learned, much to my pleasure, but notwithstanding his personal health problems, my friend, Willy Fautrè, was able to make it here, and so I am sure he already made an excellent overview of the parliamentary reports in a number of European countries.

I will organize my remarks in three short parts. First, I will try to discuss what kinds of ideology or mentality come on the background of these reports; then give some examples of what is going on in a number of European countries trying to focus on what, perhaps, Fautrè did not already discuss, and third try to give some conclusion, perhaps, from the point view of social science and some recommendation for future action.

Now, the first point is what kind of ideology can be found in most of these documents, and I would say I am focusing here on Western Europe, particularly in the French, German and the Canton of Geneva, Switzerland reports, although the conclusions on the German reports are significantly different.

The suicides and homicides which occurred in 1994, and again in 1995, and again in 1997 (but this time third time only in Quebec, Canada), of the Order of the Solar Temple, the Swiss-based new religious movement, played the same catalytic role that Jonestown [Peoples Temple of the Disciples of Christ] played in the United States. They energized a pre-existing

anti-cult movement that because of the Solar Temple was taken very much seriously by parliaments and politicians from a number of European countries. Anti-cult activists were very much influential in these parliamentary commissions that Willy Fautrè discussed with you in the last briefing. I think that the ideology which was elaborated by the anti-cult activists and penetrated into the parliamentary reports and official documents may be summarized in four principal premises.

The first premise is that cults are not religions. Now, the operative word in most European languages is sect, but sect is really a functional word, having the same function as cult in English. It is a four-letter word and a derogatory word, so if we use the word “cult” and literally translate it into the French *culte* or the Italian *culto*, that is not a very bad word, the bad word is sect in French, or Italian, or Spanish, or German. So, I will systematically translate sect into cult for your better understanding.

Nobody in Western Europe, or very few marginal people, would say openly they are against religious liberty. Everybody favors religious liberty. So, when some groups are discriminated against, the argument is each group is not really religious. The cover is religious, but the group is, in fact, something else. That is the first important point, which, of course, is not new; it was used, for instance, both in Europe and the United States in the 19th Century against the Mormons.

I quote an article from the 19th century *Scribner's Monthly* saying we Americans are considered a very tolerant people, but we are not very tolerant when it comes to Mormons, so there are only two possible conclusions: one, we are not really tolerant, and two, Mormonism is not religion. Of course, the author of this article, a Mr. Beadle, was a very active anti-Mormon, and his solution was that Mormonism is not a religion, so we can keep saying that we are in favor of religious liberty and at the same time discriminate against Mormons.

Now, that is very much what is happening here in these documents. The authors of the reports say, of course, we are in favor of religious liberty, but cults or sects are not religions, have nothing to do with religion, so they are not covered by constitutional guarantees of religious liberty.

Now, coming to the second tenet that answers the obvious question, how can you tell a cult from a religion? That is not an easy question to answer. Particularly the Belgian report, the French report, and the Canton of Geneva report attempt to answer the question by focusing on mind control. All these documents try not to use the word “brainwashing.” They recognize the word “brainwashing” has a sort of bad reputation in the scholarly community, but they use the term “mental manipulation,” or “mind manipulation” or “mind control.” They say that in a secular state we cannot distinguish religions from cults based on a doctrine, because we are parliamentary commissions, we do not deal in creeds, we deal in deeds. So, since we deal in deeds, our main criteria (there are others, but this is the main one) in order to distinguish between religions and cults, is that religions by definition are joined out of free will, and cults are joined because of brainwashing, mind control or mental manipulation.

Now, they are largely unaware of the discussion that took place in this country, both in the scholarly community and courts of laws about mind control, and typically some of these documents will quote American literature about the issue, which dates back to the 1970s, and will largely ignore developments in the 1980s and the 1990s. For instance, the important *Fishman* decision of 1990 in California is never quoted, while pre-*Fishman* American case law is quoted in the Belgian report.

Now, the Belgian report, for instance, acknowledges that most scholars are against the classical doctrines of brainwashing or mind control. So, the third tenet is how do we, as members of parliamentary commissions, know that mind control is the reason cults are joined? The answer is because we rely on the account by victims, ex-members and we do not rely on accounts by scholars. Scholars have only theoretical knowledge of what is going on, victims have practical knowledge of what is going on inside cults. So, they rely on testimony by what social scientists would normally call apostates. Of course, this is a word some ex-members say is a derogatory word, but in fact it is a technical word, has been used for almost a century in sociology to indicate not all former members of a religious group, but this fraction or portion of former members who, having left the religious group, have converted themselves into militant opponent of their former group. Not all ex-members are apostates; only a fraction of ex-members are apostates.

So, the Belgian Commission quotes me, by the way, in the report and they quote a book I co-edited with Doctor Melton of California about the French report, a book published before the Belgian report. The Commission says yes, but we are told by scholars that there is no mind control, or at least that traditional “crude” theories of brainwashing and mind control have no empirical support. Nevertheless, we do not believe them, because we have a choice between believing scholars and believing victims, and we want to believe victims.

So, the third point is accounts by scholars are not reliable. Accounts by apostates are very much reliable.

Now, the fourth tenet is why accounts by apostates are so much more reliable, because, in fact, not all former members are apostates. I would like to draw your attention to a book recently edited by David Bromley, “The Politics of Religious Apostasy,” here in the United States, but research extends to virtually all the Western World, and considerable empirical evidence exists that apostates are an important, interesting and vocal minority, but a minority nevertheless of former members, even of the most controversial religious organizations.

Empirical studies exist of a number of controversial groups, including the Unification Church, or the Church of Scientology. I did a study of a group, philosophical rather than religious, but regarded as a cult by the French report, the New Acropolis in France, and concluded that apostates are here between 16 percent of the larger population of ex-members of this given controversial group. So, apostates are interesting. Nobody would suggest that apostates are not interesting or are irrelevant, but they are probably not the majority of former members. They are the most visible part of the former members, because the other former members do not want to go public with their feelings, or have very mixed feelings. In surveys a surprising majority of former members will exhibit very mixed feelings about their previous affiliation. They would say something was good, something was bad, it was time more or less well spent, simply an experience that I now regard as finished, but it was an interesting experience, part of my life.

Now, these people normally tend to become invisible; they merge into the existing social networks. They do not write books, they do not go to the press, they do not appear on television discussing their former affiliation. In fact, what they want is not to discuss too much their former religion, so the fraction of apostates becomes the only really visible part of the ex-members. As a consequence, the fourth tenet is how do we identify the good ex-members, i.e., how do we identify the apostates, and tell them from the bad ex-members, i.e., ex-members

with mixed feelings who are not very interesting. The answer, by the authors of the French and Belgian reports, is that we shall rely on the private anti-cult movement because these movements again, and I am quoting it almost literally from the Belgian report, have a practical wisdom, as opposite theoretical wisdom of academic scholars, and even above the religious wisdom of mainline churches. These anti-cult groups work at the grassroots; they really know the victims, so they can tell which ex-members are telling the truth. So, we shall trust these groups, and we shall rely on what these groups are telling us.

These four tenets are really the keys of the ideology behind what is going on in Europe. One, cults are not religions. Two, cults are distinguished from genuine, bona fide religions on the basis of mind control. Three, mind control exists because some ex-members, the apostates, tell us that it exists. Four, we identify what ex-members are reliable on the basis of the judgment of private anti-cult organizations.

Now, turning very quickly to the second part—some examples of the ideology at work—the results are scary. I do not want to go into details here. You will find more details in the written text I prepared for what I supposed to be a hearing. In general, the results are that any of these groups regarded as cults by a private anti-cult organization are in danger of being listed as a cult in some official or semi-official list.

I think that there was an interesting question in France concerning a small non-religious group of mental health professionals called “L’Arbre au Milieu,” or “Tree in the Middle.” One day this group read the list of dangerous cults of the Parliament, and to their surprise they found themselves included. What do they do? They do what many other groups did, they go to see a lawyer, and the lawyer says there is nothing to do, because this is a political document. Political documents cannot be attacked, so it is not defamation, it is not libel, that is an opinion by a parliamentary body. But contrary to almost all the other groups they say we want to sue you anyway, not because we have any chances of winning but because we want to know why we are listed. Perhaps, in the process of a legal trial we have a chance to know why we are there. It became a sort of comedy or tragedy. The trial took months because the judge started into an inquiry, first of the parliamentary commission, who was asked why they listed the L’Arbre au Milieu as a dangerous cult. They said, we don’t know. But, we relied on the Secret Service to prepare a list.

Finally, with a lot of trouble, the judge managed to elicit a reply from the Secret Service, and the Secret Service said we did not know, because we relied on information supplied by a private anti-cult organization, which is still more interesting. Even the National president of the private organization said I do not know because I relied on local branches in different cities. To make a long story short it came out that the local correspondent of the anti-cult group in a small town had a girl, a daughter, who was treated by one of these mental health professionals for anorexia, and who counseled her to leave home because according to this doctor her anorexia was family induced. So the mother was not very happy about it and exposed the group as a dangerous cult, and they ended up being listed in the parliamentary list as many other groups.

If one goes to the Belgian report, one sees words like mind control or mental manipulation used as a mantra. For many groups there is only one or two witnesses. Now, a good question is, who is selecting these witnesses? Presumably there are hundreds of ex-members of these groups, even in Belgium alone from the larger groups, and those who are selected are one or two people. We knew it because the Belgian commissioners published

everything, without keeping secret the hearings as the French commission did.

So, the question to the witness is how do you know this former group of yours was a cult? The answer: because they practice mind control. How do you know? Answer: because I was a victim of mind control, but there is not a lot of elaboration. A number of groups are dismissed in two pages, three pages, five pages. So, claiming I was brain washed, I am a victim of mind control, which is really repeated again and again, results in groups being listed as cults.

Now, some people say these lists are not really “official” or not dangerous. I personally disagree because there are court cases involving, for example, cities in France denying rental of public halls to groups listed as cults. There is even a trans-national effect. Recently a legal journal in Switzerland published the report of a case where a court in Geneva—and the French-speaking Canton of Geneva is very much influenced by France and Belgium—upheld an administrative decision not to renew a license to operate a private security agency to a Swiss citizen because he is a member of the Aumist religion of the Mandarom, and this religion is listed in the French report as a dangerous cult.

So, we see a cross-border or trans-national effect in the French list becoming a basis of a legal decision in Switzerland. Of course there are other decisions, even by French courts, saying that this list is not a legal document. On the other hand, there are constant administrative discriminatory decisions based on the list, and I believe these lists are quite dangerous to religious liberty.

Now, I will come to my conclusions, and I will simply raise two questions. The first question is why all this is happening, because, of course, the Solar Temple is a catalyst, but is not the real answer. We do not really want to venture into a lecture on complicated sociological issues. I think this is a European reaction against what is normally called post modernity, and post modernity is reaction against modern values. It may include a return to certain forms of religion, and, perhaps, as many say, a return to not purely rational, not purely scientific thinking.

Now, this reaction takes place at the religious levels. One particularly scary document is the first yearly report of the French National Observatory. After the French report, an Observatory was established in France, and this Observatory is supposed to render a yearly report. Now, the yearly report for 1997 rendered in 1998 is not yet regarded as official because it lacks certain signatures, but it has been published by an anti-cult group on the Internet and it is widely quoted. It is a scary document, because it is a list of measures to be taken to fight against cults, rather than an attempt to understand cults, but what is interesting here is the ideological part, and the strongly secular humanist flavor of the document. We have to struggle, the document says, for the values of *laïcité* or secularism, which is a French value now under threats from foreign ideologies and mounting irrationalism. They say there is evidence of mounting irrationalism not only within cults but also in New Age, for instance, or in the crusade held by American evangelist Morris Cerullo in Paris. So, they really think part of their mandate is to fight irrationalism and affirm the “republican” values of secular humanism.

What is interesting is that this is not only a question about religion, it is a question about the relationship between the State and the private sector. Post modernity has been described in the most current sociological analysis as an extreme explosion of the private sector. The modern state, by definition, was a state capable of controlling an extreme diversification. The modern society was very much diversified, but it was controlled.

Now, with the explosion of new technologies makes it extremely easy for two people or one person to do a web page, or to print a newsletter at a cheap cost. We have a diversification of the ideological market that is so big that no state is capable of handling or controlling it.

Now, this threat of diversification from below, and the threat of globalization from above, have caused much stress and many concerns in many political groups. Post modern states are no longer able to control private associations, and so it seems that private associations are running wild and therefore we need more control.

This is the controversial part of the German report, because the German report is in general more well-written and more moderate, perhaps, apart from the strange national obsession of Germans against the Church of Scientology, against whom extreme allegations are made. In the general picture, however, they say we do not want to make lists, they recognize that the brainwashing issue is controversial. I was among the scholars interviewed for many hours by the German commission, and they know that many scholars claim brainwashing does not exist. But on the other hand in parts of the German report there is this evident, apparent fear of an uncontrollable private sector, and the problems for the government to control the private sector. A prominent legal scholar in Germany that I met recently summarized the German report, perhaps paradoxically, in two sentences. He said, one, they found that although exceptions exist, your average cult is not more dangerous than your average private association, but two, they concluded—unexpectedly—that as a consequence all private associations should be watched more closely.

So, I think this is ideologically extremely interesting, because it shows that there is a trend toward more control. Unlike other analysts, I will not point my finger at one political group only. Of course, there is a socialist theory that we need more state control, but some conservative people may also be of the law-and-order kind, and think that private associations should not be given too much freedom.

I will also not point my finger, as many people do, at mainline churches, because the situation is very much diversified in mainline churches. In some countries some churches do support the anti-cult measures, but in other countries they are at least partially critical of these anti-cult measures, particularly because some mainline Catholic and Protestant groups have also been included in some of these lists. The Belgian list includes the Catholic Charismatic Renewal, probably the largest lay Catholic group in Belgium, Opus Dei, and three other Catholic groups, and the French report has been protested very strongly by a number of French Catholic bishops because it includes a Catholic cultural and theatrical group, the Office Cultural de Cluny, and there are no less than four documents or letters where Catholic bishops have protested this situation in France.

Finally, what can we suggest? It's probably not for scholars to recommend specific policy but some general suggestions seem to be in order. First, it should be clear from what I observed that you should probably continue to watch, when it comes to religious liberty, not only Eastern Europe, but also Western Europe. Countries like France, Belgium, and also Germany, not only with respect to the Church of Scientology, as well as some cantons in Switzerland who occasionally target as "cults" also non-religious groups like the VPM, a psychological group. This deserves your attention as well.

Second, the primary cause of concern should be the public sponsorship and financing of private anti-cult movements. These movements are clearly responsible for spreading a lot of false information and an intolerant world view.

Third, it should be clarified that disgruntled apostates, no matter who sponsors their claims, are an interesting group; they deserve to be taken seriously, but they are not a fountain of truth by definition. They are not necessarily representative of ex-members in general.

Fourth, words such as brainwashing and mind control are too easy to use as a simple mantra to discredit any group which is not liked by the private anti-cult groups, and some concepts being used have been long debated in scholarly quarters as pseudo-science.

Fifth, words are not neutral. There is a police report published in 1998 in Italy which is perhaps questionable for other reasons, but better than most foreign texts. At least they say let's not use the word "cult" or "sect" because these words create problems for the social order, they create social unrest and discrimination, so let's use new religious movements. Or, still better, I would speak of religious minorities, because the so-called new religious movements are often not new. Some groups which have been around quite for a while.

Sixth, that should be obvious, nothing in my remarks should suggest those existing laws should not be enforced against wrongdoings or criminal acts perpetrated within the frame of new, and perhaps also old, religious movements. The experience shows that there are, in fact, dangerous and even criminal groups, engaging in common crimes, which are a different thing from the imaginary crimes of belonging to a cult or using the elusive mind control. Such persons accused of such common crimes should be investigated and prosecuted as common criminal suspects and not as members of religious minorities.

Thank you.

(Applause.)

Mr. Merry. Thank you very much, Doctor Introvigne, and we will be very happy to include in the transcript of this session your longer, more detailed report, which you have prepared for this morning's scheduled hearing, and that, again, will be available both in hard copy and on the Commission's web site.

Our next speaker is Mr. Colby May, who is Senior Counsel in the Office of Governmental Affairs of the American Center for Law and Justice, and this is a non-profit public interest law firm and educational organization.

Mr. May is a lawyer of some distinction, having practiced in areas of communications, equal opportunity, affirmative action and related issues of civil liberties and religious liberties, and his organization has argued a number of cases before the Supreme Court of the United States in this area, and we welcome you here to today's session.

Mr. May. Thank you.

The 1989 Vienna concluding documents provide that in order to ensure the freedom of the individual to profess and practice religion or belief, the participating state shall take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion, and, among other things, favorably consider the interest of religious communities to participate in public dialog, including through the mass media.

Now, Articles 9 and 10 of the European Human Rights Convention also provide that in the licensing of broadcasting television or cinema enterprises, anyone has the right to freedom of expression, thought, conscience, and religion.

Now, I want to tell you a story about what's going on against that backdrop involving the Trinity Broadcasting Network and its religious partners in Spain. A little background I think on Trinity would be helpful.

The Trinity Broadcasting Network is a nonprofit public charity and church that is dedicated to the Gospel of Jesus Christ, is rated by the Chronicle of Philanthropy as the 89th largest public charity in the United States. It was founded in 1973 by Doctor Paul Crouch, who was ordained in the ministry by the Assemblies of God Church in the United States in 1955, and Trinity holds licenses from the Federal Communications Commission for 11 full-power stations and more than 400 low-power television stations. It is the largest religious broadcaster and provider of religious and inspirational programs in the world, and the Nielsen company has rated the Trinity organization as the most popular religious service in the United States. Since its inception Trinity has received countless commendations and recommendations for exceptional service to the public, including having received the National Association of Broadcasters Award for Broadcaster of the Year and the Foreign Broadcaster of the Year Award.

Trinity does what churches have historically done throughout the world, it does, indeed, feed the hungry, clothe the naked, and take care of the widows and children through many religious endeavors all over.

In 1989 Spain passes a law that says, for the first time we are now going to permit private licensing of broadcast facilities. Previously, the government had essentially controlled all the frequencies, and they are the ones who now were opening it up so other private operators could become involved.

In response to that, a number of what are known as smaller or local broadcast operations began all over Spain, both in radio and in television. My story today involves television.

Now, in 1994, a Christian ministry in Madrid began broadcasting on UHF television channel 26. The service that it provided was religious, evangelical, inspirational in nature, and it operated under the name of Tu Pueblo Television, The People's Television.

Now, in May 1996, Trinity, along with its Latin American partner, a group called ENLACE, began to work with the local Tu Pueblo organization and they immediately invested about a quarter of a million dollars to upgrade it and begin to expand the program offering, to include Catholic, Baptist, Presbyterian, Lutheran, Methodist, Messianic Jewish religious programming. They also invested, within a few months after that, about a million dollars to be able to acquire and upgrade broadcast production and studio facilities in Madrid.

Now, everything seemed to go along just fine, as it had for about 3 • G7b • K years before that in the operation of this channel 26, however, in May 1997 the Spanish Ministry of Development, which has jurisdiction over matters involving broadcasts in Spain, initiated an administrative process against Tu Pueblo, accusing it of illegally operating on channel 26 because it didn't have a license.

And, as basis for this, it says, well we have a law here called Law 4195, passed, essentially, in December 1995, which says that everybody from now on should have a broadcast license. It also provided, however, that all facilities that were on the air before January 1 of 1995, which was the case for channel 26, would be grandfathered in.

Now, the curious thing is that since December 1995 until this very moment today, the Spanish authorities have yet to adopt any procedures under which these now required licenses can be issued. So, nobody in Spain has a license.

The process continues forward and the Spanish authorities determined that, in fact, Tu Pueblo did not have a license, and the law says you are supposed to have a license. Forget the fact that there is no procedure under which you can get one, and forget the fact that you are

already grandfathered in, in accordance to the provisions of the law. The Spanish authorities found that Tu Pueblo did not have a license and, therefore, they ordered them to cease and desist, to get off the air in February of this year, and fined them for the privilege about 2 million pesetas. It sounds like a lot; 2 million pesetas in U.S. terms is about \$16,000, which, indeed, is a lot of money to a religious and nonprofit organization.

Now, before Tu Pueblo was ordered off the air, it's curious to also note that in 1996 one of the largest dominant communications providers in Spain, a group called Retevision, had been able to acquire from the Ministry of Development an authorization to begin experimental broadcasting and experimental transmissions of digital signals on, you'll never guess what channel, channel 26, no place else in the country, just channel 26.

Now, Retevision is a little like a Baby Bell, a Bell operating company. it is a huge player in the market. At the time it was given this authorization, I emphasize it was an authorization, not a license because, remember, nobody has licenses in Spain to operate broadcast facilities, when they were give this authorization, the gentleman that gave them the authorization was the General Director of the Telecommunications Department of the Spanish Ministry of Development. Coincidentally, within a very short time after the authorization was issued to Retevision, this gentleman left his governmental post and became President of Retevision. We have since learned that it also turns out that the Spanish Government owns about 30 percent of Retevision as well.

Now, Tu Pueblo has appealed its cease and desist and final order and it is now in the Spanish national court. It is asserting that its freedom of religion and free speech rights have been violated, and that the Ministry of Development has acted in a discriminatory and arbitrary manner clearly based upon the fact that this channel is operating religiously, and no other local broadcast television station in Spain has been so targeted or otherwise treated in this particular way.

Now, these matters will continue to pend in whatever venues are available in Spain, but we, the Trinity organization and its partners in Madrid and throughout Spain, think it is obvious that the only reason we were selected, with the slimmest of veneers, and the smallest of rationales: we were treated this way because we provided a religious and inspirational service. We do not have a license, but remember, nobody has a license and there are no procedures under which to get it, and forget the fact that they were already grandfathered in, in accordance with the law.

Now, for those of us who have interest in the American background, we look at this and say, well, the government is going to have to do a whole lot better in giving an explanation than just saying you do not have a license. We are certainly in the process of trying to get that explanation. To date, we have been unable to do so.

What I think it demonstrates is that at least in Spain, and I would add that with regard to Italy the Trinity Broadcasting Network has a small network of operations within Italy, and has been operating without interference by the government for several years, but in Spain presently it appears that the kind of program offering, and the kind of religious service that is being provided by Trinity and its partner in Madrid is something that the Spanish Government does not want, and since it does not want it, it is creating whatever rationale it can to essentially silence this voice.

Now, this is Trinity's story in the television arena, but I would note that in the radio area a number of other smaller broadcasters have likewise been so targeted. All of this, I think, is

a circumstance which warrants investigation, not only by this Helsinki Commission and the U.S. Congress, but we have also asked that the Commission help to broker, through its good offices, a meeting of Trinity and its partners in Madrid with the new U.S. Ambassador to Spain, Mr. Eduardo Romero, and through that we hope that the U.S. Embassy in Madrid will take up, through its Human Rights Department and Division, this cause and begin to investigate and get a little better answer than we have been able to get so far through the proceedings we have been involved in.

I do want to say thank you to members of the Commission, particularly to Chairman D'Amato, because on June 9 of this year he and other members of the Commission did send a letter to the President of Spain asking for an explanation about the situation involving Trinity and its channel 26 partner in Madrid, as well as an explanation for what is happening to the smaller religious broadcasters throughout Spain.

So, for those efforts we are eternally grateful and we are thankful. To date, however, His Excellency, President Aznar, has not yet responded, and so we are not sure what that response will be.

When all is said and done, we hope that Spain will confirm its commitment to the 1990 Copenhagen Concluding Document, which provides that everyone will have the right to freedom of thought, conscience and religion. The right includes freedom to change one's religion or belief, and the freedom to manifest one's religion or belief, either alone or in community with others, in public or in private, to worship teaching practice and observance.

I'm happy to answer any questions I can, and thank you again for hearing me out.

(Applause.)

Mr. Merry. Thank you very much, Mr. May.

The session is now open for questions and comments from the floor. I would ask that people use the central microphone as an aid to our transcriber, and please identify yourself and give an affiliation if you have one.

Questioner. Good afternoon. My name is Arnoldo Lerma. I am an apostate of Scientology. I spent 10 years in it, and I wanted to ask Doctor Massimo Introvigne what his relationship might be with the organization known as Scientology, because it is my understanding that Scientology was convicted of the largest domestic spying case in American history in 1982, that Scientology—in the 10 years I spent in, I actually thought I was doing some good.

When you stated that people, only a handful were coming forward, I could offer that we have many bushel baskets full of people now, in spite of \$26 million a year in litigation that has been spent to achieve silence.

And, I would not mind if you would like to comment on that. I would like to know what his relationship is with Scientology.

Dr. Introvigne. Yes. The answer is quite simple. I have no relations with Scientology in terms of personal affiliation or in terms of representing Scientology as a lawyer. My legal activities are an entirely different field. I am personally a Roman Catholic, so I do not believe in the religious philosophy of Scientology, and I have, of course, written about Scientology in two or three books of mine and tried to evaluate Scientology from a social scientist's point of view. That is more or less all, I think.

What I have written about Scientology has not been, I may also say, entirely accepted by Scientologists themselves. I remember when I wrote my chapter on Scientology in my book, *The New Allegiance*, in 1989. I even got a nasty letter from one of Scientology's

representatives in Italy because of a particular incident on the life of the late Ron Hubbard that they claimed I had not reconstructed exactly.

On the other hand, I have received some criticism by former members, or more precisely, apostates. I reiterate that for me the term apostate is not an insult, it is an important category that deserves to be heard, but my only point, it is not the only category to be considered. I think that a study of any religious movement, old or new, not considering apostates, would be not a very scholarly study. On the other hand a study of a religious group considering only apostates would also not be a very scholarly study. In other words, if you want to study Roman Catholic priesthood, if you only ask vocal apostate ex-priests, you end up having a very partial view of what Roman Catholic priesthood is all about.

On the other hand, if you do a study of Roman Catholic priesthood, and you only interview happy priests, and you ignore completely ex-priests who are, perhaps, not so happy, your study is not very complete either.

So, I want to reiterate that I am against any discrimination against apostates, but I think apostates, by definition, are only part of the picture concerning sources for the study of the new religious movement.

Questioner. Well, thank you.

I don't have any further questions.

Questioner. Can I stand back here?

Mr. Merry. No, I am sorry that our set-up requires people to walk to the front, but it does make life much easier for our transcribers.

Questioner. Just a quick question for Mr. May. I am John Finerty. I am on the Commission staff.

My experience with Spain is that there is a fairly lively press and media. What are they saying about this sort of thing that you've described?

Mr. May. Well, in truth, I do not know that I can answer that question very well. I have not been sent any of the Spanish clippings, and I only know that the matter has raised a good deal of questions, or many questions, and right now there are going to be answers that are provided.

The process in Spain, as near as I understand it, is somewhat Byzantine in its working out, how it works itself out, and so the matter will simply pend for a considerable time.

Let me give you some irony here. There is pending in the national courts what is tantamount in the United States to a civil action. There is also, related to the interaction between the local channel 26 Tu Pueblo and Retelevision something which is of a criminal nature. Now, that is not criminal as you and I think of it here, but just simply that it is venued in a court that has the name criminal to it.

Once the criminal courts realized that there was something civil that was pending, they said well, we are not going to do anything until the civil courts make a determination. Then, the civil courts, likewise, got notice that, in fact, something was pending over on the criminal side, and they were not going to do anything until the criminal side decided. So, there you have this wonderful standoff where neither court seems prepared or willing to otherwise move the matter along. So, there it sits.

Now, that has received press, it has received questions and controversy, but in terms of how this plays itself out overall in Spain I honestly could not answer the question other than the way I have done it.

Questioner. Julia Dean, Washington Times.

Colby, what is the nature of those radio stations? Are they like the television station, kind of like an evangelical Christian perspective, or are they, you know, Scientology, or what are they, do you know?

Mr. May. I can only tell you about the television facility, and it is of an evangelical Christian, more Protestant view, although there is Catholic programming that is provided now through Trinity's partnership on channel 26.

The local radio stations I am not as conversant in, and I think it would just be out of school for me to say much about them, other than that they are religious in character and they have been singled out and charged with this, "You don't have a license" claim.

Questioner. A couple of points of clarification regarding——

Mr. Merry. Identify yourself, please.

Questioner. Sure, my name is Ron McNamara with the Helsinki Commission staff.

A couple of points of clarification regarding the situation in Spain. When you said that the channel 26 in Madrid was reassigned to another station, it is not as though there were not other available frequencies presumably that would have been available to accommodate that other broadcaster, is that the case?

Mr. May. That is my understanding. The authorization given was actually for this experimental digital transmission, so that it would include both broadcast, that is, kind of video and audio together, as well as other data transmissions and the like.

The problem is, whenever it is operating, why, of course, it creates interference for the analog operation of Tu Pueblo on channel 26.

Questioner. The other question, a couple of other questions, one was with respect to the procedures in Spain, such as they are, my understanding was that there frequently or commonly is given some kind of a grace period if an order is issued for a station or broadcaster to terminate their activities for an 8-month period.

Mr. May. Yes, there is.

Questioner. Was that accorded to your partners in Spain?

Mr. May. No.

Questioner. And, the other question is, when I was in Madrid in May and went to the U.S. Embassy and had some discussions there on a variety of other matters, it was brought to my attention that this matter is being handled by the commercial section of the U.S. Embassy, which would normally handle telecommunications issues. So, it appears as though the matter is actually being handled strictly as a commercial activity. I wonder if you would respond to that, particularly, given the religious elements of this case.

And, one final comment, if you could address as well is, does the Roman Catholic Church in Spain have some role to play? I understand that there are some large entities of which the Catholic Church may be a significant holder of one of those broadcasts. I do not know if conglomerates is the correct terminology.

Mr. May. I will answer the last one first by saying, I will be glad to do the research for you so I can answer that question accurately, because as I sit here today I cannot truthfully tell you what ownership interests the church has in any other broadcast outlet or facility.

With regard to what is going on in the Embassy, our earnest request is that the meeting would help move it over to the human rights side, because in our view we are singled out as

the only local television broadcast station treated this way, and charged, and told to be off the air, and fined, and we are the only ones in that context providing a religious service. We think that speaks volumes by itself and it is a human rights problem, not so much a commercial problem.

But, in truth, any assistance the U.S. Embassy can provide for us there I think is most appreciated, but if the Commission is willing to look at it from the human rights point of view, we think that is the appropriate venue for it.

Dr. Introvigne. If I may footnote this very shortly. It would be strange, even if nothing is impossible, of course, it would be surprising for the Catholic Church to be particularly critical of TBN, because what happened in Italy actually is that TBN recently got criticized by the Italian equivalent of the National Association of Evangelicals for being too pro Catholic, and that started a number of articles in Italian evangelical press. That is on one hand.

And, on the other hand, as you know, TBN International recently had its 25th anniversary. The National Catholic Bishops Conference in Italy has a daily newspaper, and they asked me to write an article for the 25th anniversary of TBN. Of course, I mentioned some controversy within evangelical circles here, in the United States, like criticism by the Christian Research Institute, but the article was generally complimentary.

So, I think there is no tension in Italy, and I think the Italian affiliate of TBN would normally report that really the only controversy they have been involved in recently is criticism by other evangelicals because as an evangelical TV it may open its programs to Catholics a bit too much, but otherwise there has been no controversy.

Questioner. Thank you.

Questioner. My name is Sam Erickson, President of Advocates International. Good to see you, Colby. It has been a while.

I just returned from visits to Albania, Bulgaria, Egypt, Zambia, South Africa, China, Mongolia and Korea addressing these issues, and we have been involved for the last 7 years full time in many former communist countries, as well as in Asia, on these very issues.

Let me respond to a couple of comments made here. The issue of control—I have been engaged in church/state issues for 30 years. My first 10 years I was an anti-trust lawyer. There are many similarities between anti-trust law and religious liberty in that those in control, the dominant groups, do not like competition, and that is why going to a point you made earlier about words are not neutral, it has been my experience that it may be wiser to steer away from the term “freedom of religion” and talk about freedom of expression, freedom of assembly, freedom of travel, the basic freedoms.

We did this in 1981 in the United States to address the so-called school prayer controversy by coining a term “equal access” based on the Free Speech Clause, rather than freedom of religion.

We’re doing this in Bulgaria, where there is tremendous tension because of the dominant religion there, as well as in Mongolia with the Buddhists. We work very closely with those in the government, in the Parliament, in the ministries, as well as with those on the ground.

I think freedom of expression, freedom of assembly, freedom of press, the secular kind of freedoms if you will, are much more palatable and much more difficult for the dominant faiths to fight, because they all want the same thing.

Freedom of religion, by definition, means those who are in power must tolerate the minority faiths, and that is a very difficult thing for them to swallow. That is number one.

Two, definition of cult. I agree with you, that is the pejorative. For years I have used as a definition for cults in the United States any religion I do not like. When I co-chaired with the Helsinki Commission 2 years ago, the first conference in Bulgaria on the rights of religious minorities and the same week in Albania, the first conference on the right to religious minorities, I made that point. Let us steer away from using the term “sects” and “cults” and talk about minority faith traditions, because that is what we are talking about. Cults and sects are pejorative terms, let us stop using them in the intellectual circles and in these kinds of sessions and just start talking only about minority faith traditions.

Three, in terms of solutions: I have touched on this. Let us focus on this subject. In a secularized society, you talk about secularism, we live in a secular world, we live in a post-modern world, the post-modern world views religion as fairy tales, as superstitious, let us move into the realm of freedom of expression, freedom of assembly. There is nothing, and I have been engaged in this, I have been a believer for 54 years, or most all my life, adult life, and there is nothing I cannot accomplish in my faith as a Protestant Evangelical, and the freedom of expression, freedom of assembly, freedom of press and so forth that I could under freedom of religion.

The last point: I have found, and we have found at Advocates International, that it is much more effective to work relationally with those in government than confrontationally. I have been five times to Beijing, three times to Mongolia, 15 times to Bulgaria, 10 times to Albania and so forth, and I have never accused any person in government or in a position of authority of doing anything wrong. I always ask how can we help you do justice.

It takes a while, and it takes repeated visits to do that, but I think if we take a positive approach, asking how can we help you do justice, rather than a typical American hired gun confrontational, adversarial approach, I think we will, in the long run, be effective.

I appreciate all your comments, they have been very effective, and those are just some responses.

Dr. Introvigne. I think I agree, basically, to everything. There are, however, two problems I see: one, that at the level of international treaties, and even within the European Union, there are some special guarantees for religious liberties which are, perhaps, more emphatic than guarantees for freedom of expression or freedom of speech. So, it is still useful for some groups to rely on freedom of religion guarantees, and this is also true for national constitutions. Some national constitutions have provisions more broad for freedom of religious bodies than for freedom of philosophical associations.

Two, since it is true that human rights watchdog groups have taken your approach, and I think it is a very sensible approach, the anti-cult organizations are reacting to this by saying, “Let us not talk about religion, or philosophy, or culture, or doctrine or whatever, but the real distinction is between groups you join of free will and groups you join because you are brainwashed or manipulated.”

So, you would easily see this in the literature of the anti-cult groups, which is so influential on a political level in at least two or three European countries. They will talk about political cults, or psychocults, and some of them may have nothing to do, and emphatically claim they have nothing to do with religion. Or, they may talk about economic cults, or companies structured more or less like cults, so the key word here is mind control. When she was interviewed by the Belgian commission, the President of ADFI, the largest French anti-cult group, she said a cult is simply a group using mind or emotional control, so that can be a

political group, a philosophical group, whatever.

Freemasonry has been counted as a cult in a number of countries, while ironically the French and Belgian freemasonry is in favor of the reports. But every group allegedly using mind control may be defined as a cult.

So, it does not really matter whether it is religious, philosophical or cultural, according to this ideology, the criteria for distinction of whether a group is dangerous or not is mind control.

Mr. May. I would just like to clarify something as well, Sam. I never indicated anything other than it was curious as to what happened here between the issuance of an authorization for channel 26 for the provisional digital communications that the minister of the department that issued that curiously left his post and then became president of the organization that it went to. That is all I am saying. It is simply a curious fact.

Mr. Merry. In the same context, I would like to actually ask Doctor Introvigne to comment on the approach taken by the Inquiry Commission of the German Bundestag toward both Scientology, and also some other so-called psycho groups, which have sought to eventually deal with them in terms of consumer protection law, and to regard the issue as basically one of packaging information and accuracy of advertising and information given to consumers. This was an issue where members of the Commission staff had some very interesting discussions with members of the Inquiry Commission, in which we were told that the issue in some cases was comparable to that of the protections given to German citizens going into a market and purchasing a liter of milk.

And, I must say that I have been quite struck in my initial readings of the final report of the Inquiry Commission, of the effort given to try to deal with this question of so-called sect psycho groups in Germany, in terms of business law and consumer protection, and to essentially define it as having not only nothing to do with religious liberty, but nothing to do with freedom of association, freedom of speech, and other basic liberties as well.

Dr. Introvigne. Well, I think it is an extremely interesting point for social scientists throughout the world to try to understand what is going on in Germany about Scientology, because I am on the board of a couple of international journals in the field of sociology of religion, and we are eagerly awaiting serious papers by German scholars dealing with this issue. We have had some proposals, but they are quite weak. It seems that it is difficult even for German sociologists to explain clearly why Scientology was converted into a national obsession and there are plenty of examples.

I have seen press clippings of German businessmen saying that some recent poor results of the German economy are because of the international boycott by Scientology. Now, I do not think Scientology is so powerful as to be able to influence the general overall economic results of Germany, and I would be very much surprised if this were the case.

And, there are a number of extreme claims, and I think the German report, first of all, is built on the basis of a very limited scholarly knowledge about Scientology, and ends up regarding Scientology as basically a political organization whose aim is dominating the world.

Now, I'm very much aware of most of the quotes which have been used in Germany. They are taken from the writings of L. Ron Hubbard and some of the claims Hubbard made during his lifetime, were, of course, that one day Scientology will be a very influential or even the dominant force in the world. But I think we can find similar claims in the writings of many religious leaders, perhaps, even of leaders of religious groups within mainline churches,

having, perhaps, a big or grandiose vision for the future.

On the German report on Scientology? I do not think that the so-called “scholarship” that the German report is based upon is sound. So, the report’s conclusion that Scientology, if my translation is correct, is a politically extremist organization, in no way captures what Scientology is all about.

So, I think the real problem is why this is happening in Germany. Of course, I know some answers, and some answers involve the story of certain real estate problems in Hamburg, the reaction of the city of Hamburg and the creation of a commission, and a certain anti-cult lady coming to dominate this commission. This led to some extreme ideas about Scientology, but this seems to me to be a small history, and I am still looking for answers in the larger picture of why exactly Scientology is the scapegoat for many things happening in Germany. I do not think the issue has been entirely studied to sufficient extent, both by Germans and by non-Germans.

On the other hand, I also think that the whole category of psychocult is an ideological category with very little basis in fact, lumping together very different organizations, starting from the Church of Scientology and again going to VPM, a Zurich-based organization of mental health professionals and other professionals following the disciples of the well-known psychoanalyst, Adler. They are targeted because of their political ideas, mostly which may be regarded as arch-conservative by a number of liberal German politicians. But again it is difficult to see in what sense they belong to the same category as the Church of Scientology, which is a religion that claims to be a church, while these people claim to be a cultural organization, including people of many faiths.

Other groups, which in Germany are normally classified as psychocults, are part of what you will call here the New Age, or what British sociologist Paul Heelas called seminar religion, or religion based on self-help books and techniques, and for some reason some of these groups offering self-help seminars are also regarded in German anti-cult literature as psychocults.

So, I do not think there is any true essential definition of what is a psychocult. I think again, psychocult is a group offering or claiming to offer some comfort to people having psychological troubles which happens not to be liked by certain people, and that is like the definition of cult mentioned by somebody in the audience before.

As for consumer protection, I remember being interviewed myself by the German Commission on this point, and my reaction is some sort of protection for the spiritual consumer is in order. I think some sort of ethical code for religions is appropriate and may promote a sort of open house or glasnost policy of providing information to potential converts.

On the other hand, the problem is, these kinds of proposals may easily be constructed as discriminatory, if one targets a particular group, or one or two particular groups. I think that the proposal that was recently rejected by the European Parliament, the Berger report, was not completely unreasonable, although I had myself suggested some amendments. I think that there is some need for spiritual consumers protection in terms of asking the religions to abide by certain ethical principles regarding what prospective converts should be told before they join.

I think, particularly, with respect to the Church of Scientology, based on my study of the Italian experience of the Church of Scientology, that when they came into Italy in the years 1979-1980, they made a number of mistakes, because they did not realize that the Italian consumer laws and attitudes are quite different from U.S. consumer laws.

The well-known court case in Milan, in October 1997, which has been partially decided and remanded for further examination for the second time to the Court of Appeals in Milan by the Italian Supreme Court, is a case concerning incidents in the years 1979-1981, because in these years probably they did not realize what the Italian law was all about, and it is different from the American law.

Now, I think they have changed, they have matured and have significant experience in Europe, and they have realized that the consumer in Europe is as stronger as in the United States, but it is also different from United States, and they have to devote more study to consumer laws in countries like Italy, and France. I think they did it.

As for other matters, I think the Supreme Court decision of October, 1997 is a very important decision. It is the virtual book about Scientology, 50 pages, considering all the usual objections against Scientology not being a religion and answering them one by one. So it is a very useful document.

But, on the other hand, even this decision—normally considered a decision very favorable to Scientology—includes the remark that it is very much possible, and this demands further examination, that individual Scientologists in the Milan organization violated a number of laws and regulations in the years considered, again, 1979 to 1981 and, perhaps, the organization there was not yet entirely familiar with Italian law.

So, the two things are compatible: a group may be a religion and members of the group may break the law. But, again, I think in reading the German report, I think just to sum up, there are two very different questions. One question is whether religious groups (but equally I include the field of so-called “seminar” religion, or human potential movements, including the Church of Scientology), may be required in accordance to the consumerist culture of some European countries to make some disclosures with respect to prospective converts.

Perhaps, these disclosures may be different from what they are requested to do in the United States, but, two, this has really nothing to do with an assessment of these groups, whether they are religious, or non-religious, or whether they are politically dangerous organizations, as the German report says about Scientology.

I think the two questions are very much different. On the one hand, consumers shall be protected and, perhaps, some of these groups made a number of mistakes in the past, but the second point is, to infer from some of these mistakes, that these groups are not really religious, it is really a big jump, and I don't think it is logically consistent.

Questioner. James Pellecchia from Public Affairs International for Jehovah's Witnesses.

Two questions, one first for Mr. May concerning channel 26 with the free speech issue. Do you see that as a harbinger to go into, let us say, the press, or the pending page in Spain, and then maybe the rest of Europe.

Then also for Doctor Introvigne, concerning the German report or Germany. There was a minority opinion, a dissenting opinion, concerning changing or amending Article 140 of the Constitution and putting in a Rechts Jua, or a legal fidelity, an oath of loyalty to the Constitution and government before a minority religion could have a corporation of public law, and if that would result in social ostracism, a two-tier system of religion? They use the example of Jehovah's Witnesses, who applied for corporate status under public law because of their refusal to vote in political elections for religious reason, as an example of the need for the loyalty.

But, for the big churches, like the Roman Catholic Church, the priests normally do not,

for religious reasons, vote, and they are not seen as hostile to the government. So, I wondered if you had any thought concerning the amendment suggested for Article 140 of the German constitution.

Mr. May. I will go first, I guess, since you directed your first question to me.

I think without a doubt the free speech aspect, as we, perhaps, know it in the United States, is one that has a lot of momentum and is beginning to take traction in Europe particularly.

I think when you look at the various documents, like the European Human Rights Convention, any of the concluding documents for the Helsinki Accords and the like, you will find them rich with language which speaks about the need for individual liberties, the need for government to behave in a way that is consistent and in a way that respects the individual rights regarding free speech, free exercise of religion, due process, equal protection, selective prosecution, across the board, and free speech is very much a part of that and, perhaps, the engine that will help drive it. But yes, it is catching fire and for all good reasons.

Dr. Introvigne. Well, the German report has, in fact, a number of dissenting opinions. There is an interesting dissenting opinion by the Green members, Professor Seiwert and Ms. Angelika Kostner, and that is quite interesting on the side of religious scholarship.

On the other hand, there are other people who feel the German report to be too mild, so they have stronger proposals, and this is one of many proposals, the one that you mentioned. I think it is quite dangerous, and it is also strange that you require some oath to be taken by a special category of citizens but not by all categories of citizens.

I'm told by German constitutional scholars that such a proposal has slim chances of being passed because of constitutional problems.

Roman Catholic priests normally vote, by the way. They need the authorization of their bishops to be candidates for public office, and this authorization is very often denied. This is different from voting; they normally do vote.

Concerning Jehovah's Witnesses, I would like to add two comments. The first comment is they have a very difficult situation in France, and one comment in the 1997 report of the Observatory I find particularly disturbing is, without naming them (but everybody understands what group they are talking about) they criticized the idea that Jehovah's Witnesses are commemorating victims in Nazi concentration camps, saying this is propaganda.

I don't think that in light of some complicities by French officers of that time in what happened during World War II, it is very good taste to include these kinds of remarks in an official document. On the other hand, I hope that the process of granting to the Watch Tower Society what we call an Intesa, or a sort of concordat in Italy, and I think that is part of the problem of the present government, and I think that can establish an interesting precedent.

To my understanding, there is no strong opposition in Italy against the Intesa between the government and the Jehovah's Witnesses, and even in Catholic quarters there is no official opposition about this.

Of course, there are individual priests who are vocally anti-Jehovah's Witnesses, but I have been told by people working at this officially on the government side that there is no particular pressure against this. I think that this is an important recognition because an Intesa is much more than being recognized, it is really entering into a cooperative agreement with the government. I think that can establish an important precedent for the other

European Union countries. So, I think this is a positive development and should be closely followed.

Really, there are two of these discussions going on right now, and it is part of a program of the present government to sign two new Intese with the Italian Buddhist Union and with Jehovah's Witnesses. That will be extremely important because it will be the first European government on one hand with a concordat with a non-theistic religion, like the Buddhists. On the other hand, it will be the first government with a concordat with Jehovah's Witnesses.

Of course, Jehovah's Witnesses are part and parcel now of the Italian landscape. Italy has the largest percentage of Jehovah's Witnesses in Europe, so we see that forces, both in the government and the opposition, are working in a bi-partisan way to promote these important developments in Italy. They shall be supported internationally, because that can be quite helpful at the European level.

Questioner. George Ratz, International Religious Liberty Association.

First, I would like to thank Doctor Introvigne for his work, and second, I have a question for Mr. May.

What is your relationship with the Federation of Evangelical Religious Entity in Spain? I ask that question because I received a fax from the Ministry of Justice, and they said that you should apply for license first, and second, you should work through the Federation of Evangelical's Entity in Spain.

Mr. May. Well, when and if the Spanish Government finally determines what the procedures are for getting a license, then channel 26, as every other local television broadcaster in Spain, will begin that process and be accorded whatever the appropriate grandfathered rights are, given the fact that they have been on the air since 1994.

With regard to working with and coalitioning with other organizations within Spain, they are certainly endeavoring to do that. The one that you have just mentioned there, I would have to contact our Spanish representatives to determine if they are among that group, but my understanding is that there is a support, a series of support organizations working with them along this line.

But, let us say, for example, there were not. What difference would it make? The reality is that channel 26 went on the air, like every other group and organization in Spain, following the 1989 law. They have been on the air since 1994, and they have been treated in a manner which I think signals that they have been singled out solely because they are religious broadcasters. That ought to be the concern that the Spanish authorities have. It is certainly the concern that Tu Pueblo Television and its representatives in Madrid have.

Questioner. Hi, I am Susan Taylor with the Church of Scientology International, and I just wanted to ask Mr. Introvigne a question.

There's been a lot of attention on the Church of Scientology, but there are other voices that have not been heard about their being abused in France and in Germany, and I was wondering if you could elaborate on that, and then what do you feel that these minority religions can actually do to help terminate anti-religious bias?

Dr. Introvigne. Well, of course, it is a fact of life that larger international groups have more international coverage than small churches, and this is cause of concern. We try to devote more time in our international conferences when it comes to discussing issues of religious liberty to small groups, because organizations like Church of Scientology, or the Watchtower Society are large international organizations. Of course, if they are

discriminated against in France, or Germany, or Mongolia for that matter, their voice is heard by the media in the United States and other countries.

But, there is definite risk that the small independent church discriminated against in France will not be heard abroad, so in the written document we prepared one example we used is a small pentecostal church, which is part of a larger pentecostal federation called the Evangelical Pentecostal Church of Besançon in France, which has been listed as a dangerous cult and has been the subject of a lot of practical discrimination in France. This is the typical group which is not very much discussed in the international press when it comes to discussing France.

We have used another example, the Aumist religion of the Mandarom, because in France this is often used in the media as the quintessential cult, since the founder, Mr. Gilbert Bourdin, who died this year in 1998, had some quite extreme claim of basically being God, being the Messiah. Of course, that doesn't make you very popular.

But, I think popular groups are protected by their popularity.

Now, such an unpopular group, with extreme claims, strange doctrines, perhaps, also bizarre, this is a good example of a good test for toleration, because it is easy to tolerate a group that is not strange. This group is strange. So, is it tolerated or not? In fact it is not tolerated; they have been placed under extreme stress.

There was a very complicated sexual abuse action against the founder for events allegedly occurred 17 or 18 years before the complaint was filed. We will never know the truth about this because the founder died as the proceedings were closed.

After the founder died, there were really some extreme measures against his body, because a French anti-cult organization and other groups started saying, we do not want his grave to become another pilgrimage site, so the body was taken from one cemetery to another, and in all the cities local anti-cult groups were raising objection against the body being there. It all started because the group wanted to bury him in their holy city of Mandarom, and opponents said that this will convert it into a pilgrimage site. Now, it is already a pilgrimage site anyway, so that would have been the more sensible solution.

Finally, he has been buried by a sort of police or military action in a faraway and degraded cemetery, and they have taken a number of measures to prevent the body to be removed.

Now, for social scientists familiar with theories of amplified deviance, this is a typical deviant group from an ideological point of view, because it is so different from what the average French person would think about religion in general. Sociology predicts that most groups are not essentially dangerous but may eventually become dangerous if placed under stress. Many studies are being done about Waco, Texas, in this proposal. I am part of some cooperative studies of the issue, having studied the Solar Temple, and essentially, the amplification of deviance is one explanation of why a group ends up with group suicide, or suicide and homicide, like the Solar Temple.

These explanations are not the only ones around. Perhaps, for one group, the explanation is really better captured by an essentialist explanation. Heaven's Gate may be an example of an inherently possible suicide because of their doctrine.

But, for other groups like the Branch Davidians or Jonestown or the Solar Temple, there was few in the group which may have made easy to predict the suicides or homicides. It was a more dynamic interaction between the group, its opponents, society at large, the media, law

enforcement and governments.

So, social theory normally predicts that if you place an apocalyptic group, or even a non-apocalyptic group under extreme stress, it will react.

I have told a number of French colleagues and occasionally some French authorities that the Mandarom is a text book example of what you should do if you want to provoke a small group and induce it to do something extreme. I am very glad they did not do anything extreme so far. Surely this group is targeted because it is so visible, they have the “strange clothing” and they build huge statues to the glory of their Messiah when he was still alive. It is simply too visible. It is regarded as provocative, and it is discriminated against.

So, again, the small groups suffer. Big groups also suffer, but the small groups are not heard about abroad. So, this problem surely does exist.

What groups can do is to become more open to investigations by the media and, particularly, by scholars. I think to give you one example, The Family, formerly known as Children of God, has scored some very significant legal victories in Europe, particularly in England and Spain, and France. They think The Family has really been saved by the fact that at one stage during their history they decided to become more open to investigation by social scientists.

So, when the anti-cult movements instigated a number of raids, and children were taken away from their parents, The Family, at least, had the possibility of relying on a considerable body of scholarly literature that could be shown to the magistrates and to the judges. They argued: ‘yes, that’s what the anti-cult movement is saying, but here we have other people who have done considerable research about The Family, and they may tell you that things are not exactly how anti-cultist say they are.’

So, I think opening themselves to investigation by social scientists is not the universal solution, but it is a good way for small groups to protect themselves, create a body of independent accounts of what they are all about.

Mr. Merry. Yes, sir.

Questioner. Hi, Matt Baracci, I am with the group Freedom of Religions in Germany, which is a coalition founded by the Church of Scientology.

I think every point is valid whenever it comes to freedom of religion and discrimination against people on the basis of their religion, and I really think it comes down to the individual factor of people who are simply against individuals who think differently, or look differently, or whatever the difference may be, and they just cannot particularly handle that particular problem.

Then, when you get a group of those people together who exhibit this particular form of bigotry, they then are able to form their own coalitions or groups which can then translate that into larger forms.

So thus, then the organizations like mine have to be created to essentially combat that particular form of bigotry.

The question I really had was, knowing this is a dynamic part of essentially all societies, and given the fact that the current situation in Europe is creating a coalescence of all the various different countries in Europe, with all their different prejudices and what have you, there will be a situation at some point where a number of these groups will get together to specifically start targeting, not necessarily Scientology, but some other organization.

As you said before, there are Catholic groups that are being targeted, there are other

Christian groups that are being targeted, and Jehovah's Witnesses are being targeted by these different organizations. What is really seen here is a target against religious belief, and some other form of religious belief, which means that we all have to take a look at how can this be excised in the sense of giving people the right to believe what they wish. In that glossary, which are already in the books if somebody has committed a crime, they may state it is on the basis of their religion, but if it is a crime ensuring that individual is then convicted on that particular point.

Anyway, I do not know if this has come through clearly enough, but, essentially, what really can be done from both a citizenry level and governmental level, to help prevent this activity from taking place?

Dr. Introvigne. Well, I think one important point is that the academia in the field of new religious movements is largely American. There are a few Europeans, most of them British, but I will say 80 percent of academics studying new religious movements are American, and most of these academics are vocal critics of the European Parliamentary reports. Although I am Italian, for instance, we are often accused of trying to impose the American model, or a U.S. model, of church/state relationship in Europe, and that is a foreign model. It has nothing to do with European culture.

Now, it is important to state that this is not the case, because I will say these accusations are particularly common in Eastern Europe. When we try to say something about the Russian law, we are accused of trying to compel Russia to adopt an American view toward religion and some Russian Orthodox theologians, for instance, would say that is totally foreign to our tradition and would never work here.

So, I think it is important when American scholars, or American religions, or American diplomats come to Europe, to be aware of this objection, and I personally normally answer that I think that the American solution is a great, admirable solution for religious, social and cultural situations, like the one prevailing in America. When the Constitution was framed, but, of course, when you have a country like Southern Ireland, where one religion includes more than 80 percent of the population, that is an entirely different situation.

So, of course, you cannot easily translate American culture into these countries. I think that some workable solutions exist. For instance, the solution adopted in Italy is far from being perfect, and, in fact, Italy is now amending its law on religion, but I think in the recent years, particularly, in the last 10 or 15 years, Italy is a workable model of a country who grants some privileges to one church, saying this church is so linked to history of nation, and it is also so much larger than all the other churches that it receives some privileges, particularly, in terms of financial support. It also grants concordats to some other churches, and that is interesting.

Some other churches also have concordat, because they are regarded as an important part of the general cultural landscape, such as Assemblies of God, Pentecostals, the Seventh Day Adventists, the Waldensian-Methodist Federation, Jews, Lutherans. They also have their own concordats, and they receive some advantages.

The Italian model is far from being perfect. I am not chauvinistic. I wouldn't try to sell the Italian model to anybody. But it is a model of a country where there is a dominant religion, and there are some large churches competing with this one. The right to dissent or religious liberty is granted to everybody, but some groups have something more in terms of financial and other support. One group, which is regarded, by the Constitution by the way, as part and parcel of

the historical heritage of the country, receives still more support.

Of course, it is a difficult situation because the balance is difficult to preserve, but I told some Russian officers that it may be a solution for Russia. So, let us be open and rather than saying theoretically that all religions are equal before the law and then making a law whose practical effect, if it will be forced, will be to kill other religions other than the Russian Orthodox Church, why don't you say openly that the Russian Federation recognizes the unique historical contribution of the Moscow Patriarchy, and so we will give some money to them to restore their churches and contribute to the national culture. But, as the same time, we will allow other churches access to state support, and we will grant minimal religious liberty international guarantee to everybody.

So, I don't think we shall go to every single country from Albania to Spain saying you should basically copy the U.S. Constitution, because their history is a bit different, but I think that while recognizing that in a number of European countries there is a different history and culture, minimal religious liberty or minimal freedom of speech, or freedom of association should be guaranteed to everybody, and that could be, I think, interesting at the level of discussing it with authorities in these different countries.

Mr. Merry. We have time, I think, just for one more question.

In this context, I would like to note that the Helsinki Commission always, in its discussions, proceeds on the basis of those principles contained in Helsinki documents, precisely because these are not American principles, but are principles that were arrived at, agreed and committed to by the participating States. We make it very clear in our discussions with representatives of other participating States of the OSCE that we recognize full well that most European countries proceed from a tradition of a state church or of a recognized and authorized church or churches, but that we recognize that there are a great many cases in Europe which today still have authorized or state churches which have dealt with problems in religious liberty and religious minorities with an approach of tolerance, and that we are not at all trying to impose the American model on these countries, but seeking that they with a view toward their own history and their own cultures, should also be in full compliance with their OSCE commitments and their commitments under other international and domestic documents.

Please.

Questioner. Thank you, Arnoldo Lerma, ex-deluded adherent, Scientology.

Scientology was criminally convicted in Canada as a corporation for the breach of the public trust. All appeals were exhausted in 1997. At the last commission hearings, I did not get an opportunity to ask anything in person, but asked a few gentlemen on the side when the critics and the ex-members of Scientology would get a chance to speak.

We have listened to John Travolta, we have listened to Ann Archer, when are we going to be heard? They told me that this would occur, and that all sides would be heard. That is my question, on behalf of all the ex-members.

Mr. Merry. I can only say that it is the practice of the Commission to seek to have balanced presentations on all topics, but we are conducting a series of both briefings and hearings on the whole issue of religious liberty throughout the OSCE region, and that includes the United States.

And, I think my colleagues and I would be happy to entertain proposals for participation in future Commission conducted public sessions.

Questioner. So, at least some ex-members may be heard?

Mr. Merry. I see no reason not to.

Questioner. Thank you, sir.

Mr. Merry. This will be a very brief question, because we are almost at the end.

Questioner. I am Dan Pfefferman with the International Coalition for Religious Freedom, and I am a member of the Unification Church.

I came in late, so I do not know whether Doctor Introvigne already addressed this, but if not, perhaps, two quick points. One is the use of the Schengen Treaty to exclude Reverend and Mrs. Moon from European nations, and also the issue of the program which is rather dead in the U.S., but I'm informed it is bearing its ugly head certainly in Japan. I'd like to get your assessment of that phenomenon in Europe.

Thank you.

Dr. Introvigne. Well, very quick answer, since time is running out. The Reverend and Mrs. Moon case is mentioned in my written presentation. For the benefit of those not familiar with this, the Schengen Treaty, which has been signed by a number, but not by all, of the member states in the European Union, is a treaty allowing freedom of movement. Accordingly, there is no longer an immigration control between Italy and France or Italy and Germany. We had this new development this year of not finding an immigration officer when we go into these countries. You can go by car between Italy and France without being stopped by anybody checking your passport.

Now, in connection with this, one provision of the Schengen Treaty provides for the fact that persons regarded as not desirable by one or more member states should be stopped by all member states, because once you have got to Italy you don't find any obstacle for going into France or Germany. So, the idea is, if France doesn't want somebody in, all the Schengen countries should stop him or her when they try to come in from outside the European Union.

Now, I have studied the preliminary work done for the treaty, and it seems clear to me that this provision for non-convicted felons (for convicted felons there are other provisions), was really intended for terrorists, particularly for terrorists who were not convicted because of some political international circumstances, but European countries don't want these guys in any way. But, in fact, it has been used to place in the Schengen list both Reverend and Mrs. Moon.

I think there is possible legal redress against this because I do not think it is consistent with the aims of the Schengen Treaty, and, in fact, as you surely know, Holland has already allowed an exception as a consequence of a legal case started on behalf of these people. I think legal redress should normally be available in other countries as well because it seems to me that this is a misuse of the purposes of the Schengen Treaty for purposes of religious discrimination.

What was the second question?

Questioner. Deprogramming.

Dr. Introvigne. Well, deprogramming is not as popular as it used to be in Europe as well. There have been some legal problems, particularly in Switzerland. Some years ago in a case involving the International Society for Krishna Consciousness, the Pastera case, the Swiss authorities took a clear stand against deprogramming. It is surely still very much popular in Japan, and there are some cases in Europe, but deprogrammers are more quiet than they used to be.

Scholars, mainline churches, and even some anti-cult organizations, are on record as being against deprogramming.

Of course, there are other techniques like exit counseling, which occasionally is simply a new name for deprogramming, but it purports to be different, and in other cases it is different. It does not involve coercion. I think that the real problematic country for deprogramming is Japan right now.

Mr. Merry. Thank you very much.

We have come to the end of today's session. I, again, want to express the hope of the Commission staff that we will be able to reschedule the full hearing which we had scheduled for this morning for September. We had the agreement from some very interesting witnesses to attend, and I'm sure that will be a very interesting session.

Nonetheless, we were delighted to be able to conduct this less formal session this afternoon, and take advantage of the presence of Doctor Introvigne and Mr. May here in Washington, to be able to present us their views on this subject as part of our continuing Commission attention to the problems of religious liberty.

I think this has been extraordinarily informative for me, and I hope it has been for members of the audience, and I want to thank our two guests for their time and their very kind participation.

Thank you.

(Whereupon, the meeting was concluded at 4:06 p.m.)

[Written submissions for the record follow].

RELIGIOUS LIBERTY IN WESTERN EUROPE SUBMITTED BY DR. MASSIMO INTROVIGNE

When, in the United States, it is suggested that religious liberty should become an issue in foreign relations, immediate references are to Asian or African countries such as China, North Korea, or Sudan. Former Soviet bloc countries in Eastern Europe, including Russia, have recently been added to the list. Scholars of minority religions, however, know that serious problems also exist in some countries of Western Europe. Some cases are becoming well-known. There are, among others: the inclusion of Reverend Sun Myung Moon, the founder of the Unification Church, and his wife in the so-called Schengen list (preventing persons allegedly dangerous for public order to enter a number of European countries), and the extreme measures advocated in Germany against the Church of Scientology.

These cases, unfortunately, are not simply exceptions to a general rule of religious tolerance. Pentecostal Churches, Roman Catholic organizations, Jewish groups and many other religious minorities face discrimination in a number of Western European countries, including France, Belgium, Austria, Germany and Switzerland. Greece, meanwhile, by keeping in its Constitution a provision that outlaws proselytism on behalf of any religion other than the Greek Orthodox Church, has apparently not yet decided whether, in religious liberty matters, it really wants to belong to the West.

It is certainly true that serious crimes have been perpetrated by certain religious movements in Europe. The suicides and homicides of the Order of the Solar Temple in Switzerland in 1994 and in France in 1995 have caused widespread social concern. Certainly we do not suggest that religious movements guilty of common crimes should not be vigorously prosecuted. However, the Solar Temple incidents have been used as a catalyst in a number of countries to propose actions against literally hundreds of groups lumped together under the label of “cults.” In the wake of the Solar Temple a dangerous ideology, hostile to religious minorities in general, seem to be making inroads in political and administrative circles. As scholars, we believe that it is important to understand the main tenets of this ideology (Part I). We then detail some of the results of the ideology in Western Europe, mostly in the form of parliamentary commissions and reports (Part II). After the examination of some examples (Part III), we offer some final suggestions (Part IV). It is important that—while further action is proposed at different levels in Europe—an international dialogue on religious minorities may involve all the interested parties and those who care about religious liberty.

I. THE RISE OF AN INTOLERANT WORLDVIEW

1. Redefining “Religion”

Virtually no one in present-day Western Europe, and certainly not governments or parliamentary commissions, would admit to being against religious liberty. The technique used to discriminate against unpopular groups is to redefine the notion of “religion.” While most scholars favour a broad definition of religion (for example, as a system of answers to the basic human questions about the origins and destiny of humans), institutional definitions by political and judicial actors are often result-oriented. For instance, in ruling to deny to the

Church of Scientology the status of a religion, the Appeals Court of Milan, Italy (December 2, 1996) defined religion as “a system of doctrines centered on the presupposition of the existence of a Supreme Being, who has a relation with humans, the latter having towards him a duty of obedience and reverence.” On October 8, 1997 the Italian Supreme Court annulled this decision, castigating its theistic definition of religion as “unacceptable” and a “mistake,” because it is “based only on the paradigm of biblical religions” and would exclude a number of mainline religions, including Buddhism.

It is true that theologians, sociologists and historians have proposed different definitions of religion. It is however, difficult to avoid the impression that in some European countries today the selection of a set of criteria among many available is governed by a preliminary feeling whether an organization deserves protection or punishment. Only broad definitions of religion appear to be consistent with the aims of religious liberty embodied in a number of national constitutions and international declarations and conventions.

2. The Myth of Brainwashing and Mind Control

One of the older and most effective rhetorical tools used in order to claim that a number of groups are not “genuine” religions is that they are not joined willingly. The anti-Mormon writer Maria Ward claimed in 1855 (*Female Life Among the Mormons*, London: Routledge, 1855: 38, 240) that Mormon conversions were obtained only through “a mystical magical influence (...)—a sort of sorcery that deprived me of the unrestricted exercise of free will.” In fact, Ward argued, Mormons used the secret of “Mesmerism,” taught to their founder Joseph Smith by “a German peddler.” The reference to “magical influence,” “sorcery” and a non-existing German Mesmerist allowed anti-Mormons such as Ward to deny Mormonism the status of religion. Since religion is, by rhetorical definition, an exercise of free will, a non-religion may only be joined under some sort of coercion.

The same hypnotic paradigm has been applied, more recently, in order to distinguish between “religions,” joined voluntarily, and “cults,” joined only because of what was once called brainwashing and now—since the label has been discredited by mental health scholars—has been renamed as mind control, mental manipulation, or mental destabilization. In the United States, theories of brainwashing and mind control as applied to religious minorities have been debunked from at least 10 years. The American Psychological Association (APA) in 1984 allowed Margaret Singer, the main proponent of anti-cult mind control theories, to create a working group called Task Force on Deceptive and Indirect Methods of Persuasion and Control (DIMPAC). In 1987 the final report of the DIMPAC Committee was submitted to the Board of Social and Ethical Responsibility for Psychology of the APA. On May 11, 1987 the Board rejected the report. The results of this rejection were devastating for mind control theories.

Starting from the Fishman case (1990)—in which a defendant who was accused of commercial fraud defended himself on the basis that he was not fully responsible because he was under the mind control of Scientology—American courts have often rejected testimonies about mind control and manipulation, stating that they are not part of accepted mainline science. Anti-cult brainwashing and mind control theories are, indeed, not part of psychological or social science. They lack empirical evidence, and are a mere tool used in order to deny the status of religion to groups perceived as deviant or subversive. (These and other comments in this text apply to brainwashing and mind control theories as normally proposed

in the “classic” anti-cult literature. Recently, a small minority of social scientists has proposed to use the word “brainwashing” in a different sense, in order to indicate certain techniques allegedly used—rather than in order to persuade non-members to join—in order to keep members of religious movements within the fold by maximizing their exit costs. The proponents of these comparatively new theories—accepted by a tiny minority only of scholars of religion—agree, at any rate, that they shall not be used in order to distinguish between “religions” and “cults”).

In Western Europe, on the other hand, these American developments are not well-known. Although with different nuances, and dismissing the word “brainwashing” as inadequate and old-fashioned, even official documents by parliamentary commissions rely on the faulty model distinguishing between religions and “cults” on the basis of manipulation and mind control.

3. Apostates

Mind control theories are part of a rejected knowledge consistently repudiated by the academia, professional associations, and courts of law. It is, however, argued that scholarly objections are less relevant than the “testimony” of “former members” who claim that “cults” are indeed joined because of manipulation and mind control. It is unclear why the accounts of one or another “former member” should be accepted by official political bodies, including parliamentary commissions, as more relevant by definition than scholarly research. Additionally, a misunderstanding about the very notion of “former members” is perpetuated, and plays a key role in the public stigmatization of minority religious movements. While parliamentary reports and sensationalized media accounts claim to rely on the “testimony of former members,” we learn invariably that, for each religious movement, only a very limited number of “former members” have been heard by the parliamentary commissions, the courts, or the press.

Sociological research suggests that, among thousands of former members of any large organization (no matter how controversial) only a small minority become “apostates” (a technical, not a derogatory term). Not all former members are apostates. The apostate is the former member who reverses loyalties dramatically, and becomes a professional enemy of the organization he or she has left. Most former members do not become apostates. They remain—in sociological terms suggested by David Bromley and others—“defectors” (members who somewhat regret having left an organization they still perceive in largely positive terms), or “ordinary leavetakers” with mixed feelings about their former affiliation. However ordinary leavetakers (and, to some extent, defectors) remain socially invisible, insofar as they do not like or care to discuss their former affiliation. Apostates, being more visible, are mistaken for the genuine representatives of the former members. In fact, quantitative research shows that even in extremely controversial groups apostates normally represent less than 15% of former members.

4. Anti-cult Movements

If apostates are only a minority of former members, why often only apostates are interviewed by parliamentary commissions or the media? The logical answer is that they either volunteer to be heard, or are directed to testify by an opposition coalition. This is, in fact, the role of the so-called anti-cult movement. Modern anti-cult movements (in opposition to older Christian counter-cult coalitions) are defined as primarily secular organizations

fighting “cults” based on the brainwashing or mind control paradigm.

The recent lack of institutional and academic support for mind control theories has caused a serious crisis of the American anti-cult movement. In 1996 the largest American anti-cult organization, the Cult Awareness Network (CAN), filed for bankruptcy. An anti-cult movement, however, does continue to exist in the United States, and in fact claims that its accounts, although rejected by most scholars, are validated by “former members” (i.e. apostates). Currently in Western Europe anti-cult movements (particularly ADFI in France, whose offices also serve as European headquarters for FECRIS, a Europe-wide federation of anti-cult movements) experience a degree of institutional support unknown in the United States. These well organized anti-cult movements—particularly in France, Germany and Belgium—have successfully introduced the mind control model to the press and to political bodies unfamiliar with the fact that this model has been discredited in the United States. When scholarly criticism of the mind control model is brought to bear against the anti-cult movements, it is dismissed on the basis of the testimony of “former members.” In some countries, including France, anti-cult movements have considerable resources and operate with the help of taxpayers’ money. They are responsible for spreading misleading information about a number of religious minorities.

Not composed of scholars, the anti-cult organization often—perhaps in good faith—offer information that is simply not updated. The consequences, however, may be catastrophic. To mention only some examples, in the early 1990s the international anti-cult coalition instigated in a number of countries police raids against The Family (formerly known as the Children of God), based on practices The Family had in fact discontinued for a number of years. Based on this false information, children were separated from their mothers, and adults and children were kept in custody (inter alia in France and Spain) for weeks and even for months. Later, courts dismissed the charges, recognizing that the information was either inaccurate or not up to date, and castigated the anti-cultists. In Barcelona, Spain, Judge Adolfo Fernando Oubina in his decision of May 22, 1992 went so far to compare the actions against The Family to “the Inquisition” and “the concentration camps.” These legal decisions, although important, do not compensate either the adults or the children for what was an unnecessary nightmare.

Another example of how non-updated information may easily mislead authorities concerns Tabitha’s Place, the French branch of the Messianic Communities (a communal group originating from the Jesus Movement and headquartered in Island Pond, Vermont). The mother community in Vermont, the Northeast Kingdom Community Church, was raided in 1984, based on rumours of child abuse spread by local anti-cultists. However, no evidence of child abuse was found and the case was dismissed. By 1994, the Vermont community, although maintaining a strict Christian fundamentalist lifestyle, enjoyed a peaceful coexistence with neighbours and authorities.

Unaware that similar charges were dismissed in the U.S. 10 years previously, the anti-cult movement in South-Western France started a campaign against Tabitha’s Place (a community that, in turn, had existed peacefully near Pau for more than 10 years with no incidents). Charges of child abuse were carelessly repeated and the community, continuously harassed by police and tax authorities, struggles for its very existence. In April 1997 a twelve-month-old infant child died for congenital heart problems. Its parents have been arrested for possible abuse, although a team of twelve doctors who has examined the community’s

children has concluded that there is no evidence of any abuse. It is possible that the infant's parents were not fully aware of the possibilities of a surgery to remedy their child's condition. However, the criminal case against them is being prosecuted within the framework of a general climate poisoned by rumours spread by anti-cultists on the basis of claims raised and dismissed in the U.S. one decade before the French facts. They also rely on the testimony of only one apostate, who spent just a few days at Tabitha's Place (compare the scholarly study of the Messianic Communities by John M. Bozeman⁹Susan J. Palmer, "The Northeast Kingdom Community Church of Island Pond, Vermont: Raising Up a People for Yahshua's Return," *Journal of Contemporary Religion*, 12:2, May 1997: 181-190).

II. The Results

In the United States the Jonestown tragedy of 1978 was the catalyst for an increase of anti-cult activity. The anti-cult worldview (described in Part I above) became widespread, but the activities of the anti-cult movement were ultimately kept in jeopardy by the reactions of the academia, mainline churches, and some of the religious minorities themselves. In Europe, as mentioned earlier, the suicides-homicides of the Order of the Solar Temple, repeated twice in the 1994 and 1995 (and a third time in 1997—but only in Quebec), played a similar role to that played by Jonestown in the United States. The anti-cult movements were energized, and authorities started considering them more seriously. Discredited theories such as mind control surfaced again. Parliamentary commissions with a mandate to study the "danger of cults" were established in a number of countries. While not attempting to examine all the results of this activity, we have selected some relevant examples.

1. France

A parliamentary commission, composed of Members of the Parliament only, issued after a number of secret hearings (not including any scholar as a witness) a report called *Cults in France* on January 10, 1996. It included a laundry list of 172 "dangerous cults." It did not recommend new legislation, but suggested a number of administrative actions and the establishment of a national Observatory of Cults (in fact established in 1996, with two extreme anti-cultists as its only "experts").

Although not technically a source of law, the report has already been quoted in court decisions and has led to discrimination against a number of groups. Teachers have been fired from public schools after years of honorable service only because they were members of the Jehovah's Witnesses, one of the most dangerous "cults" according to the report. A Roman Catholic theatrical group, the Office Culturel de Cluny, included in the report as a "dangerous cult" despite letters of protest of a number of French Catholic bishops, is nearly bankrupted due to the refusal of public theatres to air its shows. The city of Lyons has decided not to allow the use of public facilities to any group listed in the report as a "cult." Each French Department has now a "Mr. Cult" employed by the Ministry of Youth and Sport (often well connected with the anti-cult group ADFI) to tell the cultural and sport organizations about the evil of the cults. The anti-cult milieu element advocates actions by the Observatory against groups mentioned in its literature or in the report but not included in the list (particularly the Mormon Church and the Catholic Charismatic Renewal). Other groups are defined as "cults" by the report (including the Baptists), but nevertheless called "benign cults," a contradiction since the report starts by defining a "cult" as a dangerous organization.

The first yearly report of the Observatory, concerning the year 1997, has been published in June 1998 in a French anti-cult Web page. Its substance was known through a number of media articles. CESNUR has reposted it after correction of a number of typos, and the full text (in French) is now available on CESNUR's Web page. According to the anti-cult page this report is not (yet) "official" since it was signed only by the Observatory's president, M. Guerrier de Dumast, and not by the whole Observatory. A "truly official" report should follow shortly.

Be it as it may be, this is a very disturbing document for a number of reasons.

1. The report admits that it is impossible to define what a "cult" is (note that in French the derogatory word is "secte," but it serves the same function of the English "cult" and should be translated as "cult," not as "sect"). In this situation, the report continues to focus on the list of 172 "dangerous cults" included in the 1996 document "Les Sectes en France." The report says that a number of movements have asked to be removed from this list, but that the Observatory has no authority to do it because of the principle of the "separation of powers" (the Observatory is an emanation of the administrative power and cannot interfere with the legislative power that produced the 1996 parliamentary document). The movements who hoped to be removed from the list by the Observatory have thus be disappointed. The report implies that a cult is simply a religious group listed as such in the 1996 parliamentary document. While there is no way for a movement to be removed from the list, it is not excluded that new movements may be added. In fact, the report claims that there are in France "more than twenty" new cults (although their names are not mentioned). The Observatory is looking for cults particularly in the Evangelical world and in the New Age. It reports that its "full attention" has been focused on "the risk of a development on the national territory of a certain kind of Evangelical mass meeting, such as the 'healing and miracles crusade' that gathered a crowd of 15,000 at the Bourget in July 1997 to watch the exhibition of American televangelist Morris Cerullo."

2. The report has nothing good to say about the cults. If they have changed something—or have engaged in charitable activities useful to the community and impossible to deny—the Observatory concludes that it is a public relation activity or a cosmetic window-dressing in order to overturn the negative impact of the 1996 parliamentary report. Jehovah's Witnesses are particularly singled out in this respect. These apparently "good" activities only prove that the cults are smart. The authorities need to be even more careful.

3. On the practical side, the Observatory's aim is to co-ordinate any and all public and semi-public authorities in order to both "inform" about the evil of the cults and try to "limit" their activities. The list is long, and seems a war bulletin. The Ministry of Education should prevent cults from "infiltrating" schools, and be "careful" when a teacher is a member of a cult. The Ministry of Finances should make sure that cults are watched by the Revenue Service.

The National Order of Medical Doctors should fight cultists who happen to be doctors. Notaries Public should be careful when they are requested to enter a deed involving a cult or a cultist. Judges should be educated about how bad the cults are. Sport and youth groups should organize lectures about the evil of the cults. So on and on.

4. On the doctrinal side, the report is a hymn to the French idea of "l'ïcité" or secular humanism. The only way of fighting cults is to spread through national education and school an education "secular humanist in essence."

5. Although the press reported that more extreme proposals were rejected, the Observatory asks the parliament for more support to the anti-cult movements, including

ADFI, CCMM and the European anti-cult federation FECRIS. This money should not only come from the generous French taxpayers. It is also suggested that anti-cult movements may become a party in court cases involving cults and collect damages. This is regarded as a key step in the fight against cults.

6. The Observatory, although it met (the report says) with four respected scholars, shows no interest in understanding what the new religious movements really are and do. The verdict has already been rendered. They are evil. The Observatory (that includes some extreme anti-cultists such as the psychiatrist Jean-Marie Abgrall) admits that it has no operational definition of what a cult is. For all practical purposes, it regards as cults the 172 movements listed in the 1996 parliamentary report, and any other movement exposed as such by ADFI, CCMM or FECRIS (particularly in the Evangelical world, whose expansion is seen as a threat to the secular humanist ideology the Observatory is dedicated to promote).

2. Switzerland

Following an intensive anti-cult campaign in the wake of the Solar Temple and the French report, in February 1997 the Canton of Geneva released a report written by four lawyers, after interviewing various individuals (one scholar only). The report is organized in chapters, each signed by one of the lawyers. While, at least in some chapters, the report is written in a more moderate style than the French one, the substantial proposals are even more dangerous, advocating legislation against “mind control” and against hiring members of “dangerous cults” as government officers. The Canton of Geneva Commission released on May 24, 1997 its proposals following up the February report. The most significant are:

- to promote an inter-Canton conference in order to persuade other Cantons to follow the example of Geneva;
- to enact Canton-level legislation in order to fund the anti-cult organizations, inter alia, and allow them to become parties in cult-related trials;
- to create a Cantonal observatory including among others two representatives of anti-cult organizations, two scholars, and two “representatives of cults” (although it is unclear how the latter will be selected);
- to promote Swiss federal legislation making mind control a federal felony.

Further measures were proposed by Geneva in 1998 (with no particular federal interest, but creating a difficult situation for minorities at the Cantonal level).

3. Belgium

The Belgian parliamentary commission on cults released its report on April 28, 1997. This document is even more extreme than the French report, including as it is bizarre allegations against many groups including five mainline Catholic groups (among them the Catholic Charismatic Renewal), Quakers, the YWCA (but, for some reasons, not the YMCA), Hasidic Jews, and almost all Buddhists. It also proposes legislation making “mind control” a crime.

Reactions by scholars and mainline Churches have determined some turmoil in the Belgian Parliament and in the end it adopted the report itself but not the list of 189 groups included as an Appendix. This was a symbolic victory for the scholars, but most of what is disturbing is not only in the list, but also in the main body of the report. Following the report, legal actions have been taken against a Tibetan Buddhist group, a Catholic religious congregation called The Work (a Belgian group now headquartered in Rome, not to be

confused with Opus Dei, also mentioned in the report)—notwithstanding vigorous protests by the Vatican and by Belgian bishops. An action has also be initiated to force the dissolution of Sukyo Mahikari, a Japanese Shinto-based religious minority whose branches in countries such as Italy and United States have existed for decades without any trouble for the public order.

Based on apostates' testimony, extreme allegations have been made against dozen of groups. Serious concern has been expressed by scholars, inter alia about the accusation that Satmar Jews (a Hasidic community, based in New York and regarded as a "cult" by the report) "kidnap children and hide them within the international network of the movement." This seems to be based on the Patsy Heymans case, where a Belgian Catholic woman, having obtained custody of her three children, had to recover them from his Satmar ex-husband who was keeping them illegally in the United States. However, the Heymans case is not specifically mentioned in the report. The parliamentary document rather states that kidnapping children "does not seem to be merely occasional" among this group of Hasidic Jews (Belgian report, Vol. I: 359). The inclusion of these general remarks in a parliamentary document may easily add fuel to the fire of anti-semitism, whose continued presence raises concern in a number of European countries.

An Observatory similar to the French one has now been voted into existence in Belgium.

4. Germany

A parliamentary commission was established including MPs and experts appointed by the different political parties. They conducted hearings with scholars, anti-cultists, and members of a number of religious movements. An interim report had been released in June 1997. In the meantime, without consulting the parliamentary commission, the government placed the Church of Scientology under watching of the local secret service. Even groups largely critical of Scientology have criticized the decision as a dangerous precedent, while local anti-cultists have already named the Jehovah's Witnesses as the second group that should eventually be watched by the secret service. Police raids instigated by the same anti-cultists have occurred against small independent Pentecostal churches. A huge report has been published in 1998. Although moderate on some points (doubts are raised on the definition of "cults" and on brainwashing) it still advocates strong measures against Scientology (regarded as a political subversive, rather than a religious, organization) and has been criticized by legal scholars for a trend towards an increased administrative and police control of any and all religious associations.

5. Italy

Italy is an interesting example of a more moderate approach, as confirmed by a 1997 Supreme Court decision on Scientology and a 1998 police report on cults.

a. The Italian Supreme Court Decision on Scientology (October 8, 1997)

On October 8, 1997 the Italian Court of Cassation (the Supreme Court for jurisdictional purposes in Italy) rendered an important decision on Scientology. We offer a summary of the decision—extremely important for the ongoing debate on the nature and definition of religion—without entering here into the specific discussion about Scientology. One may also read a full copy (in Italian) of the 48-pages decision on CESNUR's Web site.

While some Italian courts (including Rome and Turin) have considered Scientology as a religion, a different conclusion was reached by the Court of Appeal of Milan. Reforming a first

degree decision favourable to Scientology, on November 5, 1993 the Milan appeal judges found a number of Scientologists guilty of a variety of crimes, all allegedly committed before 1981, ignoring the question whether Scientology was a religion. The Italian Supreme Court, on February 9, 1995, annulled the Milan 1993 decision with remand, asking the Court of Appeal to reconsider whether Scientology was indeed a religion. On December 2, 1996 the Court of Appeal of Milan complied, but maintained that Scientology was not a religion. Not unlike their Turin homologues, the Milan appeal judges noted that “there is no legislative definition of religion” and “nowhere in the [Italian] law there is any useful element in order to distinguish a religious organization from other social groups.” However, among a number of possible definitions, the Milan judges selected one defining religion as “a system of doctrines centered on the presupposition of the existence of a Supreme Being, who has a relation with humans, the latter having towards him a duty of obedience and reverence.” Additional criteria based on the case law of the Italian Constitutional Court are considered, but these are clearly ancillary to the main definition. Theoretically, the reference to a “Supreme Being” may be interpreted in a non-theistic sense. This was the interpretation in the case law of the U.S. Supreme Court interpreting the Universal Military Training and Service Act of 1948, also including in its definition of religion a reference to “a relation to a Supreme Being.” The Milan judges, however, interpreted “Supreme Being” in a theistic sense. As a consequence, they could easily exclude the non-theistic worldview of Scientology from the sphere of religion.

On October 9, 1997 the Supreme Court annulled also the Milan 1996 decision, again with remand (meaning that another section of the Court of Appeal of Milan shall re-examine the facts of the case). The Supreme Court regarded the Milan theistic definition of religion as “unacceptable” and “a mistake,” because it was “based only on the paradigm of Biblical religions.” As such, the definition would exclude Buddhism, whose main Italian organization, the Italian Buddhist Union, has been recognized in Italy as a “religious denomination” since 1991. Buddhism, according to the Supreme Court, “certainly does not affirm the existence of a Supreme Being and, as a consequence, does not propose a direct relation of the human being with Him.”

It is true, the Supreme Court observes, that “the self-definition of a group as religious is not enough in order to recognize it as a genuine religion.” The Milan 1996 decision quoted the case law of the Italian Constitutional Court and its reference to the “common opinion” in order to decide whether a group is a religion. The relevant “common opinion,” however, according to the Supreme Court is rather “the opinion of the scholars” than the “public opinion.” The latter is normally hostile to religious minorities and, additionally, difficult to ascertain: one wonders, the Supreme Court notes, “from what source the Milan judges knew the public opinion of the whole national community.” On other hand, most scholars—according to the Supreme Court—seem to prefer a definition of religion broad enough to include Scientology and, when asked, conclude that Scientology is in fact a religion, having as its aim “the liberation of the human spirit through the knowledge of the divine spirit residing within each human being.” The 48-pages decision of the Supreme Court also examined some of the arguments used by critics (and by the Milan 1996 judges) in order to deny to Scientology the status of religion. Five main arguments were discussed.

1. First, critics object that Scientology is “syncretistic” and does not propose any really “original belief.” This is, the Supreme Court argues, irrelevant, since syncretism “is not rare” among genuine religions, and many recently established Christian denominations exhibit

very few “original features” when compared to older denominations.

2. Second, it is argued that Scientology is presented to perspective converts as science, not as religion. The Supreme Court replies that, at least since Thomas Aquinas, Christian theology claims to be a science. On the other hand, science claiming to lead to non-empirical results such as “a knowledge of God” (or “of human beings as gods”) may be both “bad science” and “inherently religious.”

3. Third, critics make reference to ex-members (mostly militant apostates such as “Atack and Armstrong,” quoted in the Milan 1996 decision) who claim that Scientology is not a religion but only a facade to hide criminal activities. The Supreme Court asks how we may know that the opinion of disgruntled ex-members is representative of the larger population of ex-members. Other ex-members have in fact appeared as witnesses for the defense, and at any rate, the number of ex-members of Scientology appears to be quite large. The opinion of two and even twenty of them, thus, is hardly representative of what the average ex-member believes.

4. Fourth, texts by L. Ron Hubbard, the founder of Scientology, and by early Italian leaders seem to imply that Scientology’s basic aim is to make money. Such texts’ interest in money is, according to the Supreme Court, “excessive” but “perhaps appears much less excessive if we consider how money was raised in the past by the Roman Catholic Church.” The Supreme Court quotes Ananias and Sapphira in the Acts of the Apostles (who died because they kept for personal use a part of what they obtained from the sale of their property and lied to the bishop, rather than giving everything to him), late Medieval controversies about the sale of indulgences, and the fact that until very recently Italian Catholic churches used to affix at the church’s door “a list of services offered [Masses and similar] with the corresponding costs.” The latter comments, according to the Supreme Court, confirm that *quid pro quo* services are more widespread among religions than the Milan 1996 judges seemed to believe. Concerning Scientology, the Supreme Court went on to observe that the more “disturbing” texts on money are but a minimal part of Hubbard’s enormous literary production (including “about 8,000 works”); and that they were mostly circular letters or bulletins intended “for the officers in charge of finances and the economic structure, not for the average member.” Finally, even if one should take at face value the “crude” comment included in a technical bulletin of Scientology (not written by Hubbard) that “the only reason why LRH [L. Ron Hubbard] established the Church was in order to sell and deliver Dianetics and Scientology,” this would not mean, according to the Supreme Court, that Scientology is not a religion. What is, in fact, the ultimate aim of “selling Dianetics and Scientology”? There is no evidence, the Supreme Court suggests, that such “sales” are only organized in order to assure the personal welfare of the leaders. If they are intended as a proselytization tool, then making money is only an intermediate aim. The ultimate aim is “proselytization,” and this aim “could hardly be more typical of a religion,” even if “according to the strategy of the founder [Hubbard], new converts are sought and organized through the sale and delivery of Dianetics and Scientology” .

5. A fifth objection discussed by the Supreme Court is that Scientology is not a religion since there is evidence, in the Milan case itself, that a number of Scientologists were guilty of “fraudulent sales techniques” or abused of particularly weak customers, when “selling” Dianetics or Scientology. These illegal activities, the Supreme Court comments, should be prosecuted, but there is no evidence that they are more than “occasional deviant activities” of

a certain number of leaders and members within the Milan branch, “with no general significance” concerning the nature of Scientology in general .

The Italian Supreme Court 1997 decision on Scientology includes one of the most important discussions—so far and at an international scale—of how courts may apply existing laws apparently requiring them to decide whether a specific group is, or is not, a religion. It argues that the non-existence of a legal definition of religion in Italy (and elsewhere) “is not coincidental.” Any definition would rapidly become obsolete and, in fact, limit religious liberty. It is much better, according to the Italian Supreme Court, “not to limit with a definition, always by its very nature restrictive, the broader field of religious liberty.” “Religion” is an ever-evolving concept, and courts may only interpret it within the frame of a specific historical and geographical context, taking into account the opinions of the scholars.

It remains to be seen whether this 1997 opinion of the Italian Supreme Court—that it is better not to have a legal definition in order to allow a broader religious liberty—will be shared by other courts. The Italian decision is, at any rate, an interesting addition to an ongoing international discussion.

b. The “Italian Report on Cults”

On April 29, 1998 the Italian Ministry of Internal Affairs sent to the Commission for Constitutional Affairs of the Camera dei Deputati (the lower house of the Italian Parliament) a report by the General Direction of Preventive Police dated February 1998. The report is entitled “Sette religiose e nuovi movimenti magici in Italia” (“Cults and New Magical Movements in Italy”: in Italian the current derogatory word equivalent to the English “cult” is “setta”). The General Direction of Preventive Police co-ordinates, inter alia, the police intelligence activities in Italy. The Commission for Constitutional Affairs of the lower house receives this document when a (quite liberal) draft law on religious minorities and religious liberty, introduced by the government, is being examined. Since the Italian Report is not well-known outside Italy, a fuller analysis is offered here.

What Is (and Is Not) the Report

The report is not the Italian equivalent of the reports prepared by parliamentary commissions in France, Belgium, and Germany. It does not come after public hearings, and has not been solicited nor examined by the parliament. It is a police report. Similar reports have been prepared in the past for internal use of the police and intelligence authorities. The significant new circumstance is that in this case the report has been sent to members of the parliament and to the press. But the report remains a typical police document in its format, style and aims.

The Content of the Report

The report includes (a) an introduction, in four chapters (pp. 1-19); (b) entries about 34 “new religious movements” (pp. 18-63) and 36 “new magical movements” (pp. 64-102). Pages 103-105 include the index.

The introduction’s four chapters deal respectively with:

- (1) roots of the phenomenon and corresponding social concern;
- (2) terminology and typology;

- (3) possible dangers and criminal connections;
- (4) membership figures.

(1) (pp. 1-3) is a short introduction, mentioning the international concern after Waco, the Solar Temple and Aum Shinri-kyo, confirming that police intelligence is monitoring “Italian cults” from many years, and commenting that this is a “difficult task” and requires some clarifications about terminology.

(2) (pp. 3-9) includes a discussion about the use of the word “cult” and concludes that “scholars of this matter today prefers to use ‘new religious movements’ and ‘new magical movements’” (p. 4). The report goes on to discuss what “religion” is, noting that theistic definitions of religion “are not acceptable” and “are against the most recent Italian case law” (the reference in a footnote is to the Supreme Court decision of October 8, 1997 affirming the religious nature of Scientology). Religion is better defined as “the relationship between the human being and the sacred, when the latter is regarded as a transcendent reality going beyond the material world” (p. 5). Problems remain, and the report quotes the (Stark-Bainbridge) distinction between audience cults, client cults and cult movements. The next question concerns the difference between new religious movements (or “cults”) and “traditional” religions. The report quotes the opinion that new religious movements are more aggressive in their proselytization and intolerant, but disagrees with it, noting that “these aspects do exist also in some traditional religions or at least in their splinter or fundamentalist groups” (p. 5). Others think that new religious movements create among their members a stronger link with a leader or guru; but in fact—the report comments—“in many cases after the founder’s death the movement survives and may even continue to grow” (p. 5). The report prefers to classify as new religious movements those that appear to have appeared historically in the West in more recent times, and to have doctrines and teachings regarded as quite foreign to mainline (Judeo-Christian) religion. Three main groups are taken into account:

- (a) movements “with a Christian origin”;
- (b) movements “inspired by the East”; and
- (c) movements arising from “Western religious innovation.”

The first group—movements “with a Christian origin”—includes those that “go beyond” Protestantism in their refusal of “Catholic orthodoxy.” It may be distinguished into five families or subgroups:

1. Apocalyptic-Millennialist families, including the Adventist family and the Restorationist family. In the Adventist family the report mentions the Seventh-day Adventists, the Advent Christian Church, the Jehovah’s Witnesses and the Worldwide Church of God. In the Restorationist family the Mormon Church, the Apostolic Church and its larger splinter group New Apostolic Church, and the Church of the Kingdom of God (a splinter group from what later became the Jehovah’s Witnesses) are quoted.
2. Catholic splinter groups, following “anti-popes” (Magnificat Church, Apostles of the Infinite Love) or the schism of Mons. Marcel Lefebvre (Fraternity of St. Pius X).
3. Prophetic and messianic groups.
4. Syncretic groups.

5. Pseudo-Churches (groups gathered around “wandering bishops,” Orthodox non-catholical bishops, or similar, easily mistaken by the Italian population for Roman Catholic bishops or priests but in fact not affiliated with the Roman Catholic Church).

Although movements in families under (1) and (2) may profess “teachings quite original” (page 8: a footnote mention the Mormons’ baptism of the dead and teachings that God the Father may have “a body of flesh and blood”) or be involved in conflicts with mainline churches or the society at large (pp. 7-8: Jehovah’s Witnesses are particularly mentioned), in fact “they are not really interesting for the present report.” The report will focus on families 3 to 5, where—it claims—some risks may exist.

The second group—movements “inspired by the East”—includes three families:

1. Movements created by Westerners fascinated by Eastern religions (Theosophical Society, Anthroposophical Society, Alice Bailey Group and the Urusvati Center, the latter a small group headquartered in Torino).
2. Eastern groups with a missionary activity in Italy (the report lists Ananda Marga, the Baha’is, the Self-Realization Fellowship, ISKCON, Transcendental Meditation, Divine Light Mission, Sahaja Yoga, Sant Bani Ashram, Rajneesh groups, Sri Chinmoy groups, Subud, Sathya Sai Baba groups, Bal Ashram, Dzog-Chen, Soka Gakkai and Sukyo Mahikari).
3. Eastern-oriented groups recently established by Italian-born gurus.

Although movements under (1) and (2) may be criticized abroad (it is mentioned that the Dalai Lama does not endorse Soka Gakkai) and even subject to criminal prosecution, “they never caused any problem whatsoever in Italy.” The report, as a consequence, will only include entries about family No. 3.

The third group should include the fruits of “Western religious innovations.” In fact the group only includes the “human potential movements.” The report quote “self-religions” and “psycho-cults” as synonymous for “human potential movements.” It notes that these will be “the main focus of the report since it is mostly against these ‘cults’ [the word is written between brackets in the report: p. 6] that accusations of ‘mental destructureation’ or fraud are heard.”

From the new religious movements, the report then distinguishes the “new magical movements,” where the sociological structure is similar to the new religious movements but the central experience is different, being more (in terms of Eliade) a “cratophany,” or experience of power, than a “hierophany,” or experience of the sacred. New magical movements are also divided into families:

1. Esoteric and occult family, sub-divided into (a) “initiatory groups, universal brotherhoods and pythagorical orders”; (b) Rosicrucian movements; (c) neo-gnostic movements; (d) ritual magic groups.
2. Spiritualist/ Spiritist family.
3. UFO family.
4. Neopagan and New Age family.
5. Satanist and Luciferian family.

All the new magical movements have individual entries in the report.

Chapter 3 of the introduction (pp. 10-15) is written “from a law enforcement point of view” and lists the possible criminal problems connected with “some individual movements.” Five potential problems are listed:

- a. Brainwashing and mind control (with a footnote giving the standard anti-cult reconstruction of the brainwashing process).
- b. Fraud.
- c. Covering under the religious facade “immoral practices or illegal activities.”
- d. Preaching doctrines so “irrational” that they may bring the members to activities dangerous for the national security.
- e. Subversive political plans.

About (a)—brainwashing—the report notes that what is commonly called brainwashing was included in the Italian criminal code under the name of “plagio,” and that the corresponding provision (Section 603 of the criminal code) was declared non-constitutional by the Italian Constitutional Court in 1981. About (c)—and more generally—the report notes that in Italy there is no difference between “cult crime” and “normal crime.” Accordingly, “criminal activities within the frame of a religious activity are considered as common crimes, although religion may have a role in determining the motivation” (p. 12). The report also notes that “in Italy today no religious or magical movement as such is accused of criminal activity of any kind” (p. 12): even notorious Satanists such as the Children of Satan have been found not guilty in the 1997 Bologna case where they have been tried. It is true, however—the report adds—that in a couple of cases of the 1980s involving fringe Catholic groups regarded as illegitimate by the Roman Catholic Church (the Pia Unione di Ges Misericordioso of Ebe Giorgini, “Mamma Ebe,” in 1984; and the Rosary Group in 1988) the defendants were found guilty of serious crimes. The risk considered under (e)—subversive political plans—is not regarded as a serious danger in Italy. “Not even the Church of Scientology,” “in Germany (...) regarded as a serious threat to the democratic institutions,” meet in Italy the pre-conditions needed to carry on serious political plans or projects (p. 14). Soka Gakkai and Ananda Marga, accused of political plans in other countries, are “quite different” in Italy. (The report incorrectly argues, p. 15, that the Italian Soka Gakkai was “apparently excommunicated by the Japanese mother organization.” In fact both the Italian and the Japanese Soka Gakkai as lay organizations parted company from the monastic order they used to be affiliated with, Nichiren Shoshu).

Fraud seems to remain the main risk the Italian police is concerned about. About (d) many newspapers have quoted the few lines about the year 2,000 and the Catholic Holy Year. The report in fact says that millenarian groups may be progressive or apocalyptic, and that the latter are more dangerous for public security than the former. It adds (p. 14): “It is true that, particularly in the perspective of the Holy Year, we cannot exclude as a general hypothesis that some individual, member of one or another group and conscious that Italy will then become the focus of considerable international attention, may decide to do something extreme in order to send a message to the whole world. However risks of this kind always exist in large international events. Mythomaniacs and disturbed individuals exist also, and in no lesser percentage, outside religious movements. Even as far as satanists are concerned it is

not probable that they will do something that will attract the general attention, considering that their primary interest is mostly to remain invisible and anonymous (...)" (p. 14).

Finally, the fourth chapter of the introduction (pp. 15-17) mentions how difficult it is to count members of new religious movements, since the very concept of "member" is controversial, and tentatively assess the number of new religious movements in Italy as 76, with 78,500 members. New magical movements may be 61, with 4,600 members.

IS THERE A "LIST" OF THE "CULTS"?

In fact, there is no real list of the "cults" parallel to the lists in French or Belgian parliamentary reports. There are individual entries for 70 movements but the report itself mentions that 137 groups are monitored as either new religious or new magical movements (p. 17). As mentioned earlier the report's choice has been to prepare individual entries for some "families" of movements, ignoring altogether other "families." As a consequence, for example, all groups in the "prophetic-messianic" subfamily are included and no group at all in the "adventist" subfamily has an individual entry. But the fact that a group has no individual entry does not mean that it is not currently monitored by the Italian intelligence or police. Conversely, groups are included because they are part of a certain "family" but the entry makes it clear that they are not accused of any wrongdoing.

WHAT SOURCES HAVE BEEN USED?

Italian readers familiar with Massimo Introvigne's "Le nuove Religioni" (Milan: SugarCo, 1989) and "Il cappello del mago" (Milan: SugarCo, 1990), the two Italian standard encyclopedic textbooks on religious minorities, would easily recognize that a good portion of the report is taken from these two books. Particularly, the definition and typology of new religious movements and the identification of families and subfamilies follow closely the scheme of "Le nuove Religioni," although with some differences in terminology (groups called "micro-churches" in "Le nuove Religioni" are called "pseudo-churches"; human potential movements are also called "psycho-cults": the latter term is not used in "Le nuove Religioni"). The very notion and terminology "new magical movements" come from "Il cappello del mago," and the distinction of new magical movements into families follow strictly the distinction in sections of "Il cappello del mago." A number of individual entries also follow largely "Le nuove Religioni," "Il cappello del mago" or other CESNUR sources (on O.T.O. Splinter groups the entries largely and at time almost verbatim reproduce PierLuigi Zoccatelli's report available on CESNUR's Web page). There is considerable evidence of the many hours spent in Turin's CESNUR library. The introduction reproduces entire paragraphs of works by Massimo Introvigne. No quotes or credits are included. Since this is a police report, not a book intended for commercial publication, CESNUR has nothing to complain. In fact, it is quite happy that reliable information has found its way into the report.

There are, of course, other sources that have been used. On a number of Italian micro-groups, not included in either "Le nuove Religioni" or "Il cappello del mago," anti-cult or counter-cult sources (particularly files of the Catholic counter-cult organization GRIS) appear to have been used. On some groups that the report regards as particularly controversial (and where many different sources were available), it has obviously considered different sources and elected to follow one or another. This is particularly true about Scientology (the single

largest entry in the report), where the report largely follows the scheme and the reconstruction of the decision rendered by the Court of Appeal of Milan in 1996, although it also notes that this decision has been annulled by the Supreme Court in 1997 (pp. 49-50). Occasionally previous police reports have been used, such as in the case of the Children of God/The Family (pp. 20-23).

IS THE REPORT ANTI-CULT?

The report per se does not embrace the typical anti-cult positions. In fact—as opposite to the French and Belgian parliamentary reports—it does insist on using the terminology “new religious movements” and “new magical movements” rather than “cults.” It notes that no movement as such is currently accused of any criminal activity in Italy. It regards a number of current anti-cult criticism as grossly exaggerated. And, in most individual entries, it does not mention any wrongdoing. In fact many of the entries are quite accurate, if short and simple, and a number of groups may only comply of having been mentioned at all in a document concerning possible “dangers”—on the other hand, they come clean out of it (see, for instance, entries on AMORC, Lectorium Rosicrucianum, New Acropolis).

It is unfortunate that the language of some entries does not always respect the good intentions of the second chapter of the introduction (where “cult”—“setta”—is normally written between brackets, while in some entries one find “cult” and even “pseudo-cult”—for a UFO group and whatever it may mean: p. 83—used quite liberally). The report knows that “plagio” (the Italian version of brainwashing) was exposed as a non-existing crime by the Italian Constitutional Court in 1981. However in the entries we occasionally read that members are “submitted to plagio” in some groups (see p. 89).

Overall, the main parts where the report appears to reproduce anti-cult stereotypes are one and a half page about brainwashing (pp. 10-11 and particularly footnote 13)—although, as mentioned earlier, the report does not fail to note the legal problems in using such a concept in Italy after the Constitutional Court decision of 1981—and some individual entries. In the latter the report is either not updated or has elected not to follow (against its general style) scholarly sources. The worst example of an entry not updated is the entry on the Children of God/The Family where the report fails to note that the sexual wrongdoings of old are no longer practiced by The Family. It does not mention a 1991 court decision by the Justice Court of Rome quite favorable to The Family. It also mentions that The Family was raided in France in 1993 and accused of child abuse, but fails to mention that nothing came out of the raid and the members of The Family involved were finally not prosecuted. The report also does not seem aware of the Italian schism of a small group that intends to resist the changes introduced in The Family in the late 1980s and 1990s. This splinter groups is now completely separate from The Family but may have created some confusion among law enforcement personnel. The entry on Scientology, as mentioned earlier, was prepared on the basis of a Milan court decision later annulled by the Supreme Court. One may wonder whether in fact it was not prepared before this decision, and some references to the decision itself subsequently included. Hostile comments also pop up in the entry about the Unification Church (an entry where recent developments are also ignored), although it is duly noted that these largely come from “campaigns organized by the anti-cult movements” (p. 28).

A GENERAL EVALUATION OF THE REPORT

If compared with the Belgian and the French parliamentary reports, the Italian police report is a comparatively moderate and accurate document (with the exception of a couple of entries, particularly the entry on Scientology). The Italian intelligence services may teach many of their European homologues a lesson on how to use scholarly sources and not to rely exclusively on anti-cult movements. On many issues the Italian services appear to have done their homework, precisely what their French and Belgian homologues failed to do before the parliamentary reports. This does not exclude occasional factual mistakes. Most entries summarize—obviously in the style of a police report, something different from a doctoral dissertation—scholarly literature on the group. Others do not, and unfortunately follow anti-cult stereotypes. In the introduction, a generally acceptable and moderate paper, a couple of pages emerge where some legitimacy is granted to anti-cult stereotypes on brainwashing. Normally, reports of this kind are not the work of two hands only, and it is not surprising to find some contradictions.

We shall, however, not forget, that this is a police report. It is written often in a law enforcement jargon. It also summarizes an intelligence work done following the rules of intelligence services throughout the world. They collect all rumors and all whispers—some of them may eventually be true. Typical of the report's style are sentences introduced by words such as: "According to rumors we were unable to confirm..." (p. 56); "according to oblique rumors..." (p. 58); "according to a source..." (p. 61); and even "according to information we received from an anonymous source..." (p. 62). It is indeed the work of police intelligence to collect rumors. Rumors, however, should not be mistaken for facts, or for confirmed or reliable information.

Although areas of inaccuracy exist in the report, the main problem is not the report itself. The problem is that a police report has been converted in headline news overnight by sending it to several politicians and journalists. When an inventory of rumors reach the media, they tend to regard the rumors as facts, particularly if rumors appear to have been granted some legitimacy by having been included in an official report. The fact that most rumors are dismissed is easily overlooked. A number of media had headlines on "the danger of cults on the Holy Year 2,000" although the report itself regard current ideas about this danger as grossly exaggerated. A number of media also published the list of the 70 "cults" that have an individual entry (at times including mistakenly some that in fact do not have such an entry, such as Soka Gakkai), although in fact they are called in the report "new religious and magical movements" rather than "cults." The report also mentions for most of them that they are not accused of any wrongdoing. Their having an entry is only due to the fact that they have been classified in a "family" of movements regarded as worth watching as a general category. The most sensational portions of the report about brainwashing, Scientology or the (old) sexual mores of The Family—in fact the weakest parts of the report—also became the most quoted. (However, in fact, two of the three Italian leading daily newspapers carried on April 30, in the same page where their lead article about the report was published, long interviews with Dr Massimo Introvigne, director of CESNUR, about the danger of a witch hunt: see "Una caccia alle streghe" [A Witch Hunt] in *La Stampa* and "Ma attenti a non stilare le liste nere degli eretici" [Beware the Black List of the Heretics] in *La Repubblica*—the titles tell it all).

The real danger is that, because of the media event created around the report, respectable and law-abiding citizens who happen to be members of movements mentioned,

but explicitly exonerated from any charge, in the report, may be discriminated or maligned as “members of a dangerous cult” in Italy (just as it happens in France or Belgium). One cannot blame the authors of the report for this (although they can be blamed for some inaccurate entries and comments). The interesting question is who decided to create the media event and why. Conjectures in Italian political circles mention two possibilities: political conflicts (within the same majority parties) about the text of the new law on religious minorities introduced by the government and currently pending before the parliament, and foreign pressure. It is possible that German and French intelligence services and anti-cult politicians are not happy about being accused of bigotry in international forums and contrasted with their more liberal and tolerant Italian counterparts. The report in fact rather confirms that Italy, and even Italian intelligence services, have an approach different from Germany and France (not to mention Belgium, where the worst of the parliamentary reports was produced in 1997). However the media results of the publicity given to the reports may undoubtedly give the impression that Italy is following a similar path. Some media will undoubtedly use the report to continue sensational campaigns about brainwashing, “psycho-cults,” Satanism, and crazy cultists threatening the Catholic celebration of the Holy Year 2,000. On the other hand, Italy has only a very small anti-cult movement and, even energized by this incident, it is doubtful that it will become a significant force in the next few months.

5. EUROPEAN PARLIAMENT

The Parliament has entrusted the Committee on Civil Liberties and Internal Affairs with the task of preparing a report. Following criticism of the French and Belgian reports by scholars (inter alia in a seminar organized by CESNUR at the European Parliament in Strasbourg on May 13, 1997), the Committee produced a draft with a number of positive features (questioning, inter alia, the usefulness of preparing lists of “cults”), although not entirely free from anti-cult influence. In July 1998 the plenary of the Parliament rejected the report led by a strange coalition of anti-cultists (regarding it as too soft) and religious liberty activists (questioning the usefulness of these reports in general). It has now been sent back to the Committee where it may well rest and die. (The European Parliament should not be confused with the Council of Europe, an institution including more European countries but less authoritative and well-known in Western Europe. Members of the Council of Europe, unlike those of the European Parliament, are not elected directly by the people. The Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe is currently preparing a report on “cults.” “Experts” consulted have included some of the most extreme French anti-cultists. A number of members of the Assembly are trying to amend the initial anti-cult text at the time of this writing).

III. Case Studies

There are literally hundreds of religious minorities discriminated against or persecuted in Western Europe. They belong to all possible religious and spiritual persuasions. We have selected, as examples, two cases, concerning comparatively small French groups, certainly not well known outside France. They could hardly be more different from each other.

The Evangelical Pentecostal Church of Besançon is an example of how a group whose theology is clearly mainline (and that will be regarded as mainline in most Western countries) is marginalized after an encounter with the anti-cult movement. As mentioned earlier, a

number of Catholic, Protestant and Jewish groups have suffered the same fate. The second example—the Aumist Religion (not to be confused with the Japanese group Aum Shinri-kyo), headquartered at the Mandarom, Southern France—could hardly be less mainline. Its theological ideas are at the very fringe of the French religious scene. It is not difficult to understand why it has been easy to make the Mandarom extremely unpopular. However, constitutional guarantees are aimed, precisely, at protecting unpopular minorities. Even the most unpopular defendant should be guaranteed due process and a fair trial.

1. The Evangelical Pentecostal Church of Besançon

The Protestant scenario in Western Europe is slowly becoming as diversified as the one in the United States. Large liberal denominations, members of the World Council of Churches (WCC), no longer represent the majority of Protestants in a number of European countries. Literally hundreds of Evangelical and Pentecostal churches, often with a conservative theology, have flourished. The large number of new churches—and new names⁹ may easily confuse the authorities. As usual, anti-cultists propose very simple solutions. In France CCMM (Center Against the Mental Manipulations, the second largest anti-cult group after ADFI) explicitly claims that all groups not belonging to the WCC, or to its corresponding French organization, the French Protestant Federation, are suspicious and may be “cults.”

Word games are easily played. In fact, the derogatory word in French is not “culte” (the literal translation of “cult”) but “secte.” The latter word may literally be translated as “sect” but rather plays the same role as the English word “cult.” In fact, the French word “secte” has today two very different meanings. Books from sociologists of late 19th and early 20th century are still republished, where the word “secte” is used, without any derogatory meaning, simply to identify small denominations or groups that are not (or not yet) regarded as part of the mainline by the majority churches. On the other hand, for the general public “secte” is rather used, in the sense of the 1996 parliamentary commission, to identify a dangerous religious (or, rather, “pseudo-religious”) movement using mind control techniques. As the noted historian and sociologist Emile Poulat remarked precisely about the Pentecostal Evangelical Church of Besançon, this church “may be a ‘secte’ in the sense of Weber [the early German sociologist of religion]; it is certainly not a ‘secte’ in the popular and parliamentary sense of the term” (E. Poulat, “L’Eglise Evangelique de Pentecoste de Besançon⁹Eglise ou secte?,” *Rèforme* 2733, August 28, 1997). Yet, Evangelical and Pentecostal Churches are easily labelled as “sects” in the popular sense of the term, i.e.—in plain contemporary English—“cults.”

The Belgian parliamentary report takes quite literally the anti-cult recommendation to target every Christian group not endorsed by the WCC. Its list includes Seventh-day Adventists—defined, apparently without fear of ridicule, as a form of “Biblical fundamentalism” founded in “May 1963” by “William Miller” (Belgian report, Vol. II, p. 228)—, Amish, the Assemblies of God, Calvary Christian Center, Plymouth Brethren, the “Charismatic Renewal” in general, and a number of small independent Pentecostal Churches. The French report limits itself, among hundreds of independent churches, to a dozen of names. Curiously enough, the French report mentions the Evangelical Pentecostal Church of Besançon (EPPB) and ignores the Evangelical Missionary Federation, founded on the basis of the success of the Besançon church, and now including more than 30 churches. In fact, not unlike other groups, the EPPB seems to have been included in the report for one simple reason. Based on a family conflict between a pastor and his father-in-law, the EPPB has been

targeted as a “cult” by the anti-cult movement CCMM, particularly after 1994. Due to the peculiar status of the anti-cult movement in France, the accusations have been spread by the press (in previous years, quite favorable to EEPB) and up to the parliamentary commission. Among hundreds of independent churches with very similar theologies only those specifically targeted (often for very local or personal reasons) by an anti-cult movement have ended up being included in the report.

In fact, the EEPB is just another Evangelical Pentecostal church. Its founder, pastor Renè Kennel, studied at Nogent-sur-Marne’s Institut Biblique and started his career in 1950 as a Mennonite part-time preacher. Soon, he welcomed on his family farm the Pentecostal Gipsy Movement of Pastor Le Cossec (a member of the mainline French Protestant Federation). Impressed by the gypsies’ enthusiasm Kennel started a Pentecostal ministry and in 1967 became a full time pastor. In 1975 Kennel joined with other pastors to establish the Evangelical Free Pentecostal Federation (FELP). In 1977, he became the pastor of a Pentecostal independent church in Besançon, the present-day EEPB. In 1986, Kennel abandoned his position as president of FELP in order to oversee the planting of daughter churches of EEPB in the region. These churches are the basis of the Evangelical Missionary Federation (FEM), incorporated under French Law in 1989. The doctrinal statements of the EEPB are quite typical of hundreds of Evangelical Pentecostal churches.

The accusations raised by the CCMM and the media influenced by it—literal belief in the existence of the Devil, in miracles, speaking in tongues—could be easily used against countless Pentecostal or Evangelical churches. It is possible that church leaders, unfamiliar with legal matters, made some mistakes when preparing the by-laws and the articles of incorporation, thus exposing the church to potential problems with French tax authorities. On the other hand, it is a fact that the French Revenue Service only took action after the anti-cultists had started targeting EEPB as a “cult.” When, in July 1994, an ex-member visibly drunk damaged the furniture of the church belonging to the Evangelical Missionary Federation in Langres, anti-cultists (and a part of the press) quickly took the side of the apostate, presented as just another “victim” of a “cult.” Paradoxically, before and after being labeled a “cult” by the parliamentary commission, EEPB has always been able to maintain its pastors, for health and retirement insurance purposes, in the lists of CAMAC-CAMAVIC. (This is the social fund for pastors in France that is largely controlled by the Roman Catholic Church and includes ministers of all the mainline Christian churches).

In the meantime, however, the fact of being in the parliamentary list of “dangerous cults” threatens the very existence of EEPB and of the whole FEM. Not only does media pressure against the “cult” continue but—following administrative instructions enacted in the wake of the parliamentary report—the federation’s churches have been denied the use of public meeting halls by local authorities, and the French Revenue Service is continuously harassing this struggling minority. The saga of EEPB confirms that in the present French scenario it is not enough to preach a mainline Christian theology in order to avoid the label of a “cult.” A minor incident is enough to result in being blacklisted by an anti-cult movement. And, unfortunately, the black lists of the anti-cult movements easily become the black lists of the media and the government.

2. The French Aumist Religion (the Mandarom)

The French Aumist Religion, whose legal structure is called Association of the Triumphant Vajra, headquartered in its holy city of Mandarom (hence the popular nickname of “The Mandarom”), is not only regarded by anti-cultists and by a sizeable part of the French media as a cult. It is the cult, particularly in Southern France. This is in itself an interesting phenomenon, taking into account that the Aumist Religion is not a very large group, with less than one thousand members in France and a smaller constituency in Italy, Quebec, Belgium, Switzerland and Africa. The holy city of the Mandarom—described as the very epitome of the “danger of the cults,” a base threatening a whole country—does not include more than fifty residing monks.

The Aumist Religion (the name comes from the sacred Eastern sound AUM, the only common element with the Japanese Aum Shinri-kyo) was founded by Mr. Gilbert Bourdin, a native of French Martinique. In 1961 he was initiated by the Indian master Sivananda in Rishikesh (later, he received other initiations, inter alia by the 16th Karmapa) and started gathering followers as an ascetic practising austerities in Southern France. He also became quite well-known as a Yoga teacher and author of some 22 books (some of them translated in several languages). In 1967 he established the Association of the Knights of the Golden Lotus (replaced in 1995 by the current Association of the Triumphant Vajra) and in 1969 he founded the holy city of the Mandarom. Gradually, Bourdin revealed himself as the Messiah: the Lord Hamsah Manarah. In 1990 he was publicly crowned as the Messiah at the Mandarom; some of the ceremonies were open to the media. At that time the movement hoped to crown the existing constructions at the Mandarom (temples representing all the great religions of the world and huge statues) with a larger Temple-Pyramid, a building of great spiritual and cosmic significance for the Aumists.

The public ceremonies of 1990 were interpreted as an arrogant challenge by the anti-cult movement and the media. The Mandarom with its huge constructions was, simply, too visible. Two TV networks, Antenne 2 and TF 1, started a campaign exposing the Mandarom as a “cultic concentration camp.” Among the anti-cult activists emerged militant psychiatrist Jean-Marie Abgrall. He went on record on TV commenting, about Aumism, that “notwithstanding what they claim, cults are not religious movements, but rather criminal movements organized by gurus who use brainwashing to manipulate their victims,” a nice summary of the anti-cult ideology. The campaign against the Mandarom was largely organized by ADFI, and from 1992 it was joined by an ad hoc ecologist group lead by Mr. Robert Ferrato. The latter claimed that the Mandarom is an offense to the ecological equilibrium of the mountain where it is built and called for its destruction. As mentioned earlier, anti-cult activists are taken more seriously in France than in other countries, and even an extreme character such as Dr. Abgrall managed to become one of the two “experts” in the national Observatory of Cults established in 1996.

The Mandarom was raided repeatedly between 1992-1995 by tax and police officers in a military style. ADFI, Mr. Ferrato, and a reporter for the TV network TF1, Bernard Nicolas, played a key-role in making an apostate, Florence Roncaglia (whose mother is still with the Mandarom), “remember” that she had been molested and raped by Bourdin in the 1980s. A complaint was filed in 1994, just before the expiration of the legal delay. Later, other female apostates also “remembered.” Based on Roncaglia’s complaint, the Mandarom was raided again on June 12, 1995 and Bourdin was arrested. Coincidentally, at the same date the

French Council of State should have rendered its final decision on the question of building permission of the Temple-Pyramid. The decision was finally unfavourable to the Aumist Religion. On June 30, 1995, Mr. Bourdin was released but the proceedings against him were kept pending. For the Aumists, the fact that the Temple-Pyramid can no longer be built is extremely serious. In 1998 Bourdin died and was denied burial not only at the Mandarom but in all the main cemeteries around it (he is buried in a disaffected cemetery)—the authorities cited anti-cult concerns about the Aumists converting the grave into another pilgrimage site.

The case of the Mandarom raises important questions. There is little doubt that the claims the Aumists make for their founder are quite extreme. Generally speaking, claiming to be the Messiah does not make any religious leader particularly popular. The Aumist literature combines Eastern themes and Western esotericism, and it is difficult to distinguish between actual and symbolic claims. (For example, it is argued that the Messiah has destroyed millions of devils threatening Planet Earth. These and similar claims are routinely quoted by anti-cultists to ridicule the Mandarom). In short, Mr. Bourdin was an unpopular religious leader, and Aumism is an unpopular minority. This circumstance makes Aumism an excellent case to test religious liberty in France. When a group is protected by its own popularity, there is no need for constitutional or international guarantees.

The scholars who have taken the time to study the Mandarom (others are simply scared away by controversy) have raised doubts about the possibility for Bourdin, had he lived, to obtain a fair trial. They certainly do not suggest that sexual abuse by pastors or religious leaders should be condoned. They agree that it should be vigorously investigated and prosecuted. Some comments about the Mandarom case are, however, in order. First, the local judges do not seem to be familiar with doubts raised in the United States and elsewhere about belated memories of sexual abuses surfacing after many years in therapy or within the frame of national controversies. In fact, in the last few years, most cases of so-called “recovered memories” have been dismissed by U.S. courts. It is in fact too easy to accuse public figures of sexual abuses allegedly taking place 10 or 15 years ago. Second, it is questionable that the Court of Digne had regarded it as necessary to appoint an expert to investigate “the doctrines and practices of the Mandarom and their connection, if any, with the facts of the case against Mr. Bourdin.” A point confirming the dubious objectivity of this proceeding is that the Court of Digne has appointed Dr. Jean-Marie Abgrall as its expert—not only a militant anti-cultist but an author who had written in a book that Bourdin is “a fraud” and “a paranoid,” and that Aumism is a “clownesque caricature of a cult” (Abgrall, *La Mècanique des sectes*, 1996, pp. 31, 91). The verdict of a similar “independent expert” had been rendered in advance. Finally, irrespective of the personal problems of the late Mr. Bourdin, one wonders why, in connection with his prosecution, the Mandarom has been repeatedly raided, Waco-style, by paratroopers, and a number of members of the movement other than Mr. Bourdin have been handcuffed and taken into custody (although no charges were ever filed against any of them).

Scholars are often asked whether there is a risk that groups such as the Mandarom may become involved in violent confrontations with the authorities, or commit mass suicides like the Solar Temple. They normally answer that the Aumist doctrine is firmly against violence and suicides. This is, however, only part of the story. Writing on the situation at the Mandarom, Italian scholar Luigi Berzano (a professor of sociology at the University of Turin and a Roman Catholic priest) mentioned the sociological theories of amplified deviance (Berzano, “La dèviance supposèe dans le ‘phènomène sectaire’: l’exemple de la religion

aumiste,” in *Pour en finir avec les sectes. Le débat sur le rapport de la commission parlementaire*, Paris: Dervy, 1996: 315-320). According to these theories, the hostile official responses to a movement regarded as deviant may in fact amplify its deviance. In a sense—as suggested in the U.S. debate by Passas and others—the movement is “deformed” by official and anti-cult harassment. Excessive reaction against a movement, thus, becomes a self-fulfilling prophecy and may cause the very evil it is supposed to avoid.

IV. Suggestions

While it is not for scholars to recommend specific policy attitudes, some general suggestions seem to be in order.

1. It should be clear from our report that Asia, Africa and Eastern Europe should not be the only areas of concern when religion liberty risks are evaluated. At least three countries in the European Union (France, Belgium and Germany) should be considered at risk (with the addition of Greece, where the problems are, however, more similar to those prevailing in Eastern Europe).
2. A primary cause of concern is the public sponsorship in these countries of private anti-cult movements. It is abundantly clear that these movements are responsible for spreading misleading and often simply false information about religious minorities, and an intolerant worldview.
3. It should be clarified that disgruntled apostates, no matter who sponsors their claims, are but a minority of the larger population of ex-members of any given religious minority, and should not, without further investigation, be considered as representative of ex-members in general.
4. It is a cause of serious concern that myths at least partially discredited and debunked in the United States about brainwashing and mind control, thanks to the promotion by the anti-cult lobby, are still taken seriously in certain European countries. They need to be exposed as pseudo-science.
5. Words are not neutral. Words such as “cults” (or “sectes” in French, or equivalent words in other European languages) are easily used as tools of hate and discrimination, and should be avoided, particularly in official documents. Scholars often use “new religious movements.” Although better than “cults,” even this language can cause misunderstandings about movements which are new only in the West while they represent a century-old-tradition in the East (such as ISKCON, popularly known as the Hare Krishna movement, or Soka Gakkai, part of the mainline tradition of Japanese Nichiren Buddhism). The most neutral term is “religious minorities.” It avoids judgments about whether a group is acceptable, or is connected to an old tradition.
6. Nothing in this report should suggest that laws should not be enforced against criminal actions perpetrated within the frame of old (or not so old) religious movements. The experience shows that there are, in fact, dangerous and even criminal, religious groups. In case of common crimes (a different thing from the imaginary crimes of “belonging to a cult” or “using mind control techniques”) the suspects should be investigated and prosecuted as criminal suspects, not as members of religious minorities.