

Jehovah's Witnesses and the responsibility of religious freedom: the European experience.

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A consideration of the religious organization known as Jehovah's Witnesses and the treatment they have received from mainstream religions, judicial systems, anti-cult movements, and the media presents an interesting study of the tensions between political interests, with the emotion-laden issues surrounding the study of new religious movements, and ethical interests, with the responsibilities of objective treatment required by all the constitutional provisions of the members of the European Union. Jehovah's Witnesses are not a new religious movement (NRM),(1) although they are exclusively religious. Just as the definition of religion varies, the definition of a "new religious movement" also has variations. According to Eileen Barker, an NRM is a relatively new organization that has become visible in its present form since the Second World War.(2) On this single element, the fact that the active printing of the religious magazine, *The Watchtower*, has continued uninterrupted since 1879, and the central corporate structure has been in use continuously since its incorporation in Allegheny, Pennsylvania in 1884, Jehovah's Witnesses fail to meet a critical criterion of Barker's definition of an NRM. Although Jehovah's Witnesses are not an NRM, some governments group Jehovah's Witnesses with other NRMs for reasons later discussed in this essay. Now active in some 235 countries and island groups, Jehovah's Witnesses number nearly six million active members.(3)

Although Jehovah's Witnesses describe their religion as both Bible-based and Christian, their religious practices, particularly their active proselytism, have not gained the popular approval of the large mainstream religions. This antagonism is due in part to the Witnesses' zealous condemnation of involvement with, and support of, political activities and military efforts on the part of mainstream churches. As church membership declined and the Witnesses continued to grow in numbers, the mainstream churches resented the Witnesses' proselytism and sought government restraints on that activity in order to stem the decline in their own memberships. Former Witnesses fed unsubstantiated erroneous information about the Witnesses to the media and to government sources, and church-controlled media used its influence to disseminate information designed to place the Witnesses in a negative light. In response to governmental bans, confiscation of their property, and public mobbings, Witnesses resorted to civil litigation as a tool to define and protect their religious liberty rights. The Witnesses sought judicial, rather than legislative or executive, relief because the civil courts were in the best position to objectively evaluate the reliability and relevance of testimony and evidence. In many countries, the civil courts have consistently protected the rights of the corporate entities as well as the rights of individual Witnesses.

This essay is divided into three parts. Part one will briefly explore the organization, beliefs, and history of Jehovah's Witnesses in Europe, including their persecution by Nazi, Fascist, and Communist regimes. Part two will explore the creation and methodology of the European Parliamentary Enquete Commissions designed to examine sects and so-called psychology groups. It will also discuss the European legislative and administrative reactions to the Enquete Commissions' reports. Part three will explore several recent child custody cases decided in favor of the Witness parent and will offer an explanation as to why the findings of the best interests hearing are often so different from the reports in the media, which often allege that Witnesses neglect and abuse their children, and the findings of governmental administrative agencies, which often rely on the misinformation disseminated by the media as well as unsupported claims of former members and mainstream churches.

I. ORGANIZATIONAL STRUCTURE, BELIEFS, AND HISTORY OF JEHOVAH'S WITNESSES

A. Organizational Structure of Jehovah's Witnesses

Jehovah's Witnesses are a Christian religion. Preaching from door-to-door is one of the key identifying features of their religious worship. Their teachings and beliefs are based on their understanding of the Bible. Known as Bible Students before adopting the name Jehovah's Witnesses in 1931, they translated the complete Bible from original texts and produced the New World Translation of the Holy Scriptures (NWT), which is translated into thirty-one languages. The New World Translation of the Christian Greek Scriptures is available in fourteen languages.(4) The religious organization was first incorporated in the United States in 1884 as Zion's Watch Tower Tract Society.(5) In 1896, the name was changed to Watch Tower Bible and Tract Society.(6) Since 1955 it has been known as Watch Tower Bible and Tract Society of Pennsylvania.(7) In 1909, a New York corporation was formed as the People's Pulpit Association.(8) Then in 1956, the name was changed to Watchtower Bible and Tract Society of New York, Inc.(9) Throughout the world there are other corporate structures that comply with local needs used to support the interests of the Watch Tower Society.

The preaching work often includes distribution of The Watchtower magazine, which has been published continuously since 1879. Formerly known as Zion's Watch Tower and Herald of Christ's Presence, The Watchtower is a 32-page bimonthly magazine published in over 140 languages. As of January 2001, the average bimonthly printing numbers 23,042,000. The Watchtower magazine is the principle voice for doctrinal interpretation from the Governing Body of Jehovah's Witnesses. This magazine is now available in 140 languages. Its companion magazine, Awake!, has a similar objective but includes a broader range of topics.

Based on annual statistics, meetings are attended by some 14 million adherents, including approximately 5.8 million members. With so many active proselytizers and such a wide readership, it is no wonder that Rodney Stark and Laurence Iannaccone recently concluded that Jehovah's Witnesses are the most rapidly growing religious movement in the western world.(10) Regular religious services are conducted among 91,487 congregations worldwide,(11) Most of these religious services are celebrated at their places of worship known as "Kingdom Halls." Other services are held in private homes or at large public facilities.

B. Beliefs of Jehovah's Witnesses

The Witnesses' fundamental religious beliefs include: (1) the belief that Jehovah is God Almighty, the Creator of heaven and earth, a loving God whose name is to be sanctified; (2) Jehovah God will shortly establish His kingdom rule over the earth in the hands of His son, Jesus Christ, who will rule over the earth and restore it to paradisiacal conditions during the 1,000-year-rule; and (3) the year 1914 marked the beginning of the "last days" of man-rule over the earth and that Jehovah's Kingdom will shortly assert its rulership over the earth's population beginning with the destruction of man-made governments.(12)

HISTORY OF JEHOVAH'S WITNESSES

Among the forty-three member nations of the Council of Europe, there are over 1,441,812 active Witnesses regularly engaging in the well-known ministry of declaring the good news of God's Kingdom from house to house.(13) Added to this total are approximately 949,632(14) others who attend some religious meetings, at the local Kingdom Halls of some 18,889(15) congregations of Jehovah's Witnesses throughout Europe. Thus, as a united religious population of almost three million worshippers, Jehovah's Witnesses in Europe are larger than the populations of some European countries such as Andorra, Iceland, and Liechtenstein.(16)

Charles Taze Russell, the first president of the Watch Tower Society of Pennsylvania (hereafter referred to as "Watch Tower"), made his first visit to Europe in 1891, visiting Austria, Belgium, France, Great Britain, Germany, and Italy. His primary work in the 1891 visit was to engage in a series of lectures and public debates with prominent European clergymen and theologians. In England, Russell found a small active group of men and women who were studying the Bible. Encouraged by the

interest of the local citizens, he made his first priority the translating of the Watch Tower's Bible-based literature into other European languages. The work of organizing the translation work started immediately. In France, translation work started directly after Russell's 1891 visit. The Watchtower magazine has been regularly printed in German since 1897;(17) in French since 1903;(18) in Italian since 1903;(19) and in Spanish since 1929.(20) With the availability of Bible literature in their own languages, local citizens from various countries began to organize themselves into Bible study groups. These study groups formed the basis for organizing the work of spreading the message of the Bible to individuals in their homes and served as the basis for the formation of congregations.

The growth of the public preaching slowed down in Europe during World War I. However, after the war there was a renewed enthusiasm for the work. As growth continued, there was a greater need for administrative coordination of the preaching effort. The Watch Tower Society opened its first European branch office in London in 1900; after World War I, branches opened throughout Europe: Austria in 1923; Belgium in 1929; and Spain in 1925. That same year, an office was opened in Copenhagen to oversee the work in the Baltics, Scandinavia, and Northern Europe.

The increased preaching activity brought the Witnesses, or International Bible Students as they were then called, into the public eye. As a result of their growth and visibility, they drew another wave of opposition. The French Catholic clergy tried several times to break up public meetings and other activities of the Witnesses. In 1939, six weeks after the beginning of World War II, the organization of Jehovah's Witnesses was banned in France.(21) Other governments feared foreign influence and targeted Jehovah's Witnesses as communists, spies, fascists, anti-Semitic, or American. The greatest opposition to the work occurred in Germany where the organization was banned, and the printing and preaching work was forced to operate underground.(22) The German Gestapo began to investigate the congregations of the Witnesses. Because of their neutral position on political matters, the Witnesses were immediately targeted by Hitler and his officials as being detrimental to the goals of the state. Arrests were made and religious literature was confiscated. The Witnesses were forced to hold their meetings in secret places and conduct their preaching activity with great caution. Intent on destroying this small group of Christians, Hitler boldly promised that "this enemy of Great Germany, this brood of International Bible Students, will be exterminated in Germany."(23) The Nazi regime certainly did all it could to obliterate Jehovah's Witnesses in Germany. Roughly ten thousand Witnesses were jailed and kept in concentration camps.(24) It is estimated that three hundred and fifty Witnesses were executed after trial for their refusal to participate in the political and nationalistic warfare.

Not only young men faced the ire of the Nazi government but also entire families were attacked and children were separated from their Witness parents when the children refused to "Heil Hitler." The district court judge of Waldenberg, Silesia, explained after a child custody hearing:

If parents through their own example teach their children a philosophy of life which puts them into an irreconcilable opposition to those ideas which the overwhelming majority of the German people adheres to, then this constitutes an abuse of the right of guardianship.... This abuse of the power of guardianship endangers to the highest degree the welfare of the children, inasmuch as it ultimately leads to a state of mind through which the children will some day find that they have cut themselves off from the rest of the German people. To avert such danger the Guardianship Court has to take the necessary steps.... A permanent remedy in this respect can only be found if the right of guardianship over the person is withdrawn from the parents, because only through such withdrawal can we be sure that the evil educational influence of the parents is eliminated and broken.

In accordance with the opinion of the Guardianship Court, the following must be admitted: the law, as a National Socialistic form of State order, entrusts German parents with the right to educate only on condition that this right is exercised in a manner which the people and the State have a right to expect - a condition which is not specifically expressed by the law but which must be considered as something self-evident. Here in particular we have to remember that all education must have as its ideal aim the creation of the belief and the conviction in children that they are brothers forming a great nation; that they are molded into the great union of the German people together, with all other German comrades through the sameness of their fundamental ideas. Whoever in the exercise of a purely formal right to

educate his children evokes in those children views which must bring them ultimately into conflict with the German community ideal does not comply with those self-evident presuppositions. Therefore, out of purely general considerations the right to educate must be denied to such a person....(25)

Sadly, many of the arguments raised by this judge mirror the political agenda and emotional bias of contemporary critics who allege that Witnesses harm their children when they are exposed to the Witnesses' beliefs.

World War II brought about a period of severe trials and hardships for many Witnesses. Among the Witnesses in Belgium were some that had come from Germany to share in the work of preaching from door-to-door. Because of their strict nonsupport of the Nazi regime, the Gestapo went to great lengths to track them down. At the same time, however, Belgian officials accused some of these same Witnesses of being Nazis and had them imprisoned and then deported. Several were sent to concentration camps. Others were beaten and interrogated by the SS officers. Despite all of this, the number of Witnesses sharing in the door-to-door ministry in Belgium more than tripled within five years after the war.

Some were even executed for this stand.(26) During these extremely difficult years for Jehovah's Witnesses, the number of active publishers actually doubled from 1,004 in 1939 to 2,003 in 1945.(27) Similar growth was observed in Austria. By the end of the war, they had grown seven fold to over 700. (28) On 1 September 1947, the work of Jehovah's Witnesses was again legally authorized in France. (29) The organization continued to grow at astounding rates over the next several years.

The end of World War II in Europe did not bring complete religious freedom for Jehovah's Witnesses. In 1946, just a few short months after the atrocities in Germany abated, Jehovah's Witnesses arranged to hold a convention in Nuremberg where 6,000 attended on the same field Hitler used for his parade grounds.(30) In January 1948, there were more than 27,000 active Witnesses in West Germany.(31) Just seven months later, in August of that same year, the number of Witnesses reached 36,526.(32) By August 1949, there were 43,820 Witnesses.(33) The preaching work was interrupted in East Germany following the communist separation and the establishment of the Iron Curtain. While Jehovah's Witnesses in West Germany continued to flourish under increasingly favorable conditions, those in East Germany were again forced to carry out their religious work underground, but they continued to increase in number.(34) Legal recognition was granted to Jehovah's Witnesses in all of Germany on 14 March 1990, ending a 40year ban on their activities in East Germany.(35) Recently, Germany has hosted several international conventions of Jehovah's Witnesses with thousands in attendance.(36)

The history of Jehovah's Witnesses in the twentieth century includes direct assaults from fascist, communist, and democratic governments, as well as opposition from mainstream religions, all of which served to generate negative mass media attention. In spite of these obstacles, Witnesses have continued to actively share Bible knowledge with others and regularly meet together for religious services. As a result of their efforts and endurance, they have experienced tremendous growth. Also, it is ironic that despite the formal governmental opposition, they have earned the respect of many fellow citizens and gained legal recognition of some governments under which they live and work, and they have experienced significant growth.

Europe historically has experienced a monopoly by one dominant state-supported religion' and the growth of the Witnesses in Europe is one reason why they have drawn the negative attention from the dominant churches, which are concerned that Witnesses will compete for the position of state-supported status. In Germany, the 19 December 2000 decision of the German Constitutional Court ruled that the Berlin Federal Administrative Court improperly denied the Religionsgemeinschaft der Zeugen Jehovas en Deutschland recognition as a corporation under Public Law by considering the Witnesses' religious beliefs, particularly the Witness position that Jesus' admonition to "be no part of the world" suggested nonparticipation in civil elections. The Constitutional Court in Karlsruhe explained:

Whether a religious association applying for corporation status is to be denied this is not dependent upon its beliefs, but upon its conduct. The principle of religious neutrality does not permit the State to evaluate beliefs and teachings of a religious association as such. Due to a lack of insight and suitable criteria the neutral State is not permitted to regulate and determine matters in the area of genuine religious issues (citations omitted).(37)

This clear admonition highlights one reason why Witnesses are viewed as an NRM. Non-judicial governmental agencies, acting without judicial restraint and the requisite criteria for evaluation that the Constitutional Court referred to, regularly attempt to evaluate the religious beliefs. Because the religious beliefs are not mainstream beliefs, the evaluator improperly concludes that different or minority beliefs are harmful because they are different and thus assumes that the different religious belief has a negative impact on the socialization process of the religious participants and on the larger surrounding community as well.

A second reason why Witnesses are often misclassified as an NRM is the unsupported perception that the Witnesses' refusal of blood transfusions constitutes a potential for a physical health risk for members and their children. This perception is based primarily on emotion rather than the hard evidence of medical science. The significant financial exposure to medical institutions from using potentially lethal blood transfusions, the exposure of corrupt blood bank practices and a growing fear of yet unidentified blood-borne diseases, together with the alternatives provided by medical, science for safe nonblood options all serve to support the Witnesses position that the use of blood products in medical procedures is medically and Scripturally unacceptable.(38) While some in the media are quick to carry emotion-laden stories of children of Jehovah's Witnesses when the question of medical care is at issue, many ignore the observations of medical doctors who credit Witnesses with supporting the efforts of the medical community to find safe non-blood alternative treatment, which has benefited and saved the lives of many patients. In fact, an entire industry offering bloodless medical care is emerging.(39)

Over the last one hundred years, Jehovah's Witnesses have been involved in numerous court cases in order to establish their legal rights to practice their religion in various countries. This is not surprising, since members of majority religions rarely suffer interference with religious liberties, and mainstream churches are rarely denied the opportunity for registration. Accordingly, it is not surprising that the Witnesses are often plaintiffs in cases that define religious liberties. In the United States during the 1930s and 1940s, Jehovah's Witnesses brought over forty cases before the United States Supreme Court. In the 1990s, they have had nine victories before the European Court of Human Rights.(40)

II. EUROPEAN ENQUETE COMMISSIONS AND GOVERNMENTAL RESPONSE TO THE COMMISSIONS' FINAL REPORTS

In the last twenty years, the European community has become more sensitive to the dynamic growth of new religious movements. On 22 May 1984, the European Parliament passed a resolution entitled "New Organizations Operating under the Protection Afforded to Religious Bodies."(41) The 1984 resolution expressed the European Parliament's concern about the recruitment and treatment of members of the organizations in question and called for an exchange of information among member states on issues associated with charity status and tax exemption; labor and social security laws; missing persons; infringement of personal freedoms; existence of legal loopholes that enable proscribed activities to be pursued from one country to another; and creation of centers to provide those who desire to leave the organization in question with legal aid, assistance with social reintegration, and help in finding employment.(42)

This interest in new religious movements is sharpened by reported activities of groups such as Scientology and Children of God and by disasters such as the mass suicides in Jonestown and the attack of Aum Shinrikyo in Japan. Austria, Belgium, France, Germany, Italy, Norway, and Sweden formed Parliamentary Enquete Commissions to investigate activities in their countries. The individual Parliamentary Commissions took on greater roles than mere fact-finding commissions. For example, in France, the National Assembly published the Guyard Report in January 1996. It listed 172 cults that

it perceived as dangerous or destructive. The Guyard Report is actually the second report. The first report, characterized as an "information mission on cults," was drafted in 1982-1983 and published in 1985. However, after the suicide-homicide associated with the Order of the Solar Temple in Canada and Switzerland in 1994 and the 1995 gas attack in Tokyo's underground on 29 June 1995, the National Assembly approved the establishment of a second inquiry.

The Belgium Parliamentary Commission on Sects released its report on 28 April 1997. After one year's work, fifty-eight meetings, and testimony from 136 witnesses, it recommended modifying the Belgium Penal Code to impose a sentence of two to five years in prison and/or fine for those who use beatings, violence, threats, or psychological manipulation to persuade an individual of the existence of false undertakings, imaginary powers, or imminent fantastical events.

A list of 172 organizations named by the Guyard Report was adopted and unanimously accepted by the Belgium commission. Richard Singelenberg, a social anthropologist at the University of Utrecht, responded to the Belgium report in this way:

The Belgian report is absolutely full of suggestive remarks.... Two decades of research in the sociology of religion, which for the most part demythologizes the alleged cult atrocities, was declared null and void by the committee on half a page of discussion. Supposedly, this discipline fixes its attention on the movements' "doctrines" and tends to avoid the excesses. This ridiculous sketch gives rise to the question if the members of the committee have probed even skin deep into this field of study.(43)

Based on the similar and significantly critical responses that the Belgium and French report received from academic, social science, and legal communities, Germany took a different tack and declined to identify particular organizations about which they held suspicions.

The final German report of the Enquete Commission entitled "So-Called Sects and Psycho Groups" was released on 19 June 1998, after two years of work. While the report concludes that none of the six hundred groups investigated represented any danger to the democratic state, the report does focus on perceptions of problems and conflicts that arise between the general society and the smaller groups. The commission recommended the establishment of a federal foundation that would act as an interface among the various new religious, ideological, and psychogroups and introduce legal arrangements for state sponsorship of private advocacy and information offices. In addition, the commission recommended expanding consumer protection laws that would include disclosure and monitoring of the psychotherapists' qualifications, methodology, and financial obligations. The German report met almost immediate criticism from several legal experts and university professors who reproached the commission for advancement of unsubstantiated suspicions and intolerance of minority religious groups. One member of the commission later referred to "the freehand methodological approach" and "a certain nonchalance in dealing with the information available."(44) For example, he explained that "[e]specially in the first year, there was a tendency to take all information critical of sects and cults at face value, while at the same time information provided by the religious groups themselves was usually regarded as unreliable apologetics."(45)

Sweden's report calls for further objective and scholarly research while upholding constitutional principles guaranteeing free exercise of religious expression. Published in October 1998, the Swedish Governmental Commission admits, "there is a shortage of coherent research and knowledge on the subject of new religious movements."(46) Throughout this process, with the exception of the Netherlands' commission, Jehovah's Witnesses were subject to an investigation. Why have Jehovah's Witnesses, now the second largest Christian religion in many European countries, drawn critical attention from Europe's larger established churches, some governmental agencies, and the media? One reason is sloppy scholarship and lack of reliable research among the commissions. This lack of scholarship meant that the commissions attempted to evaluate without clear or objective standards and guidelines for evaluation. The commissions relied on rumor and on reports from the media, which had relied on complaints from former members. Had any of the commissions made a casual review of the Witnesses' history in Europe, then it is likely that the Witnesses would have been excluded from

investigation as they were in the Netherlands.

Now that the commissions have published their reports, more is known about the proceedings that led up to these reports. An examination of some of these proceedings and methodologies highlights why the commissions have been so sharply criticized for their findings and methodology. For example, in the German commission, Huber Seiwert points out that the composition of the commission was a political structure. Thus, not surprising with a variety of factions represented, it was difficult even to initially agree on the "aims and methods"(47) of the commission. Once the fact-finding started, there was no criterion for measuring reliability and relevance of the testimony and evidence. Neither was there a mechanism for independent factfinding and validation of the allegations of dangers from sects, according to what Seiwert observed of the German commission: "There was no evidence supporting them available to the commission, except the well-known anti-cult literature."(48) Even when social science research was accepted, the use of these reports was questionable. Of the German commission, Seiwert reported that "none of them supported the allegations against new religious movements that prevailed in public opinion.... In particular, there was no evidence that conversion to new religious movements and commitment to them was caused by weird `psychotechniques,' which deprived the `victims' of their capacity to act freely."(49)

A consideration of the history of the Enquete Commissions highlights certain issues about the role of government. It appears that European governments assume the role of "protector" more readily than other Western countries such as the United States or Canada. For example, the Canadian parliament held a commission on religious organizations in the early 1980s. The final report, Study of Mind Development Groups, Sects and Cults in Ontario (Hill Report), concluded that if religious rights were to be respected in Canada for all religions, then the government could not be seen as a watchdog or protector and should allow religious groups to follow their own code of beliefs without further governmental evaluation. If the exceptional religious organization, or any organization attempting to abuse others, did cause harm, then the Canadian penal code was adequate to handle the exceptional situation. In particular, the Hill report called for great caution and restraint" on the part of government, particularly because the issues were so "befogged by emotion."(50)

The Hill report also concluded that its inquiry did not produce sufficient reliable information on which future legislation could be based. While many observers made similar observations about the European Enquetes, there was a wave of legislation that followed. For example, in August 1997, the parliament of Macedonia passed a religious law that prohibits religious work and rituals from being performed by unregistered communities or groups. The law also requires the signatures of fifty citizens for registration and prohibits the existence of two "religious communities" with the same creed. This, in effect, requires the government to act as arbitrator between religious factors.(51)

In Belgium, the report released on 28 April 1997, listed 189 "controversial" movements and recommended an amendment to the penal code, a provision with a two to five year prison sentence and/or fine for those who use beatings, violence, threats, or psychological manipulation to persuade an individual of the existence of false undertakings, imaginary powers or imminent fantastic events. On 2 June 1998, the Information and Advisory Center was established to combat the "harmful sectarian organizations," which are defined as "any movement with a philosophical or religious purpose, or which presents itself in this way and through its organization or practice, commits harmful illegal activities, harms the individual, society or human dignity."(52)

France, in particular, has reacted strongly with the establishment of the Interministerial Mission whose president, Mr. Alain Vivien, while at a recent meeting in Vienna of the Organization for Security and Cooperation in Europe (OSCE), was strongly criticized for his handling of minority religions. His organization, the Interministerial Commission to Fight Against Cults, was established by decree number 98.890 on 7 October 1998, entitled "To Fight Against Sects." Criticizing the American standard, as illustrated in the first amendment, Mr. Vivien reports:

that they may have revised the first amendment is understandable because the first pioneers, who were persecuted in Europe for religious reasons, had the idea of securing religious peace. But today,

vast and often varying theories and interests hide themselves behind an allegedly religious cultism. In this, we have a good fight to pick with our U.S. friends.(53)

Human Rights Without Frontiers reports that since the Guyard Report, "access to public halls for meetings has been denied to a number [o]f minority religions who were listed among the 172 organizations] ... children at school and adults in their neighborhood have been stigmatized as members of cults."(54) Even more insidious, the French government has targeted Jehovah's Witnesses and other minority religions for a tax that appears to be calculated to stop their religious work in France. Commenting on this, Human Rights Without Frontiers said in a recent newsletter:

The French tax administration has now launched a serious attack on the freedom of religious association and worship by enforcing a 60% tax on "hand donations" made by more than 200,000 Jehovah's Witnesses in the last four years. The amount involved is about 50 million dollars (!) and every donation made to cover it will be taxed again on a 60% basis. After several years of legal battles, a court has just ordered the seizure and the provisional mortgage of their patrimony.

This is the first time the tax law on "hand donations," (in French: dons manuels) reformed on May 19, 1992, is applied to a religious group or association thus depriving it of vital means for practicing its worship and Jehovah's Witnesses think this might be the end of the world for them in France.(55)

On 26 September 1997, Russian President Boris Yeltsin signed a law containing discriminatory provisions against "new" religious faiths allowing strict registration requirements and vague criteria "liquidating existing religious organizations." It is clear that the law significantly reduced the religious freedom provided by earlier 1991 legislation.(56)

The final German commission report released 19 June 1998, presented an approach that would create a state's duty to protect consumers against illegal or unfair practices by cults or psychogroups. The Austrian and French governments have established hot lines, opened to the public, to government sponsored and funded advisory centers in order to distribute information about so-called "dangerous" religious groups.(57) The European Ecumenical Commission for Church and Society (E.E.C.C.S.) has been attempting to organize dialogues and seminars to give experts and members of churches opportunities to meet at regular intervals with members of the European Commission to exchange ideas and views.(58)

The final commission reports of France and Belgium refer specifically to Jehovah's Witnesses, and it is clear that Witnesses are targeted for monitoring by local fiscal administration and for surveillance by monitoring agencies. Willy Fautre concluded in his comments at the OSCE Implementation Meeting in Warsaw that the commissions introduced "a threefold pattern of real persecution."(59) He explained that the first step included marginalization and stigmatization in which officials felt justified in denying minority religions access to public halls for meetings and in failing to carry out mandatory public duties for the benefit of such organizations. Second, Fautre observed that so-called unpopular religions were targets of local fiscal administration. Finally, as dreadful as it sounds, Fautre expressed fear of a plan to eliminate minority religions in Europe.(60)

These repressive actions have met with international criticism at recent OSCE meetings where member nations expressed concern for infringements on the rights and privacy of members of minority religions. However, there appears to be no legal recourse for any of the religious organizations or their members to challenge or modify the findings of the Enquete Commissions.

III. JEHOVAH'S WITNESSES AND CHILD CUSTODY CASES

Not all governmental scrutiny produces a negative attitude toward Jehovah's Witnesses. Like any other individuals, Witnesses experience divorce and child custody disputes. Investigation of these cases presents a very positive view of Witness parents. The broad best interest standard allows, even invites, judicial scrutiny, and often the attitudes of social workers, psychologists, and lawyers reflect a range of responses from simple curiosity and lack of information to raging prejudice and unbridled

bigotry that is completely insensitive to the constitutional rights of the parents and children.

Among the European community, there are child custody cases in which trial and appellate judges, together with mental health care professionals, have been posed with the question of whether one parent's membership or affiliation with Jehovah's Witnesses is inimical to the child's best interest. Naturally, not all of Jehovah's Witnesses are able to prove themselves the better parent in a contest between a Witness and a non-Witness parent. However, when religion has become a factor in these cases, member nations of the European community have taken a constitutionally sensitive and tolerant view toward the religious training of both parents. For example, Saarland Higher Regional Court (6 WF 72/95), evaluating the decision of a local court for family affairs in Hamburg (9/11/95 - 9 F 184/93 EA I), observed:

The fact that the appellant is an active member of the religious association of Jehovah's Witnesses is not an obstacle in the custody regulation that was made here. It would contradict the fundamental right to freedom of religion and expression in Art. 17, par 1, GG, if the qualification to carry out parental custody were to be questioned merely because of belonging to this religious association. (Also OLG Stuttgart, FamRZ 95, 1290.)

In England, the court followed similar reasoning in *In re T.* (1981) 2 FLR 239. Writing the majority opinion, Lord Justice Scarman reports:

But one must now look at the mother's case. We live in a tolerant society. There is no reason at all why the mother should not espouse the beliefs and practice of Jehovah's Witnesses. It is conceded that there is nothing immoral or socially obnoxious in the beliefs and practices of this sect. Indeed, I would echo the words of Lord Justice Stamp in an unreported case, *T. v. T.*, in which he said this of the Jehovah's Witnesses--and what he said is, indeed, born out by such evidence as we have in this case: 'Many families bring up their children as Jehovah's Witnesses and the children are good members of the community, although perhaps a little isolated from other children in certain respects. They are different but the same thing could be said of Presbyterians, Catholics, and indeed any other religious faith.' It is as reasonable on the part of the mother that she should wish to teach her children the beliefs and practices of the Jehovah's Witnesses as it is reasonable on the part of the father that they should not be taught those practices and beliefs. It is not for the court, in society as at present constituted, to pass any judgment on the beliefs of the mother or on the beliefs of the father. It is sufficient for this court that it should recognize that each is entitled to his or her own beliefs and way of life, and that the two opposing ways of life considered in this case are both socially acceptable and certainly consistent with a decent and respectable life.

Russia, too, has come to this conclusion in some cases. The People's Municipal Court of Sharapovsky, Krasnoyarsky Kray, rendered this decision on 15 October 1996, in the case involving Oleg Bronislavovich Vigul v. Lubovi Grigorevne Vigul:

The defendant is a member of the community of Jehovah's Witnesses, registered by established law. In harmony with Article 28 of the Constitution of the Russian Federation each person is guaranteed freedom of conscience, freedom of choice, to have and to propagate religious and other convictions, and to act in harmony with them. On the basis of the above, the defendant belonging to a religious organization is not a basis for denying the defendant custody of the children.

While it has consistently been held throughout family courts in Europe that mere membership as one of Jehovah's Witnesses does not disqualify a parent as a custodial parent, there is proper consideration given to the individual needs of the children of the family. As a French court described in a Montpellier appellate court decision 29 June 1992:

Whereas it is not up to the judge to weigh and compare the merits or dangers, the respective advantages or disadvantages of major religions compared to a minority sect; that, in the case of divorce proceedings or more specifically as in this particular case, in one of proceedings relating to the mode of exercise of parental authority, the judge must not proceed using general assertions, but must

find out whether, in this particular case, the activities of the father and mother in a church, a sect, a political party, or any other group or association for religious, political, philosophical, or other purposes presents advantages or disadvantages in the interests of the children.

This analysis enables the court to focus on those facts relevant to a best interest analysis of the individual children involved in the case. A regional court in Dusseldorf provided an interesting analysis (3 UF 1/ 95). Having considered the non-Witness parent's objections about the mother's decision not to participate in birthday parties, to limit television use, and to remain politically neutral in school affairs, the child's local school provided a report indicating that the child's school performance was "fully integrated and quickly accustomed to the class group without problems, although having changed schools shortly before that time." It is further noted that:

she already had built up a good relationship with a new school friend; her contact to teachers as well as to most of the other students was, after only a few days of limited reserve, which is understandable, uncomplicated, friendly, open, and characterized by good self-confidence; dependability and accountability with regard to attending classes and doing homework could also have been mentioned; [the girl] gives the impression of a happy, balanced, and self-assured child.

The court also considered the report made by the juvenile office in which her teacher described the young girl as "sensitive, balanced, friendly," who gave the impression "that she has a happy childhood." It was further reported by the juvenile office that "[the young girl] does not give the impression that she is under restrictions regarding participation and celebrations such as birthdays, St.-Martin, St.-Nicholas and Christmas or going to a kermis. In addition, the mother-daughter contact is found to be good." Thus the court concluded from these outside reports as well as their own observation and the record in the case:

[T]hat limitations motivated by the teachings of Jehovah's Witnesses on [the girl's] entire personality development have remained without any discernible negative influence. At the hearing held by the Senate it was also discovered that [the girl] participates in most of the school events (in part, together with her mother). (Sport festivals, bicycle training, starlight hiking, yes, even on the last Nicholas and Christmas celebration, although not actively participating). This clearly shows that [the girl] has not been pushed into the roll of an outsider. In other respects it is also of importance that the mother does not prevent [attendance at] events which the father offers (Christmas, Easter and birthday celebrations).

In a decision made by the Higher Regional Court of Stuttgart 19 April 1994 (15 UF 53/94), the court had reason to consider the non-Witness parent's accusation that the Witness parent's refusal to consent to a blood transfusion was somehow inimical to the child's best interest. Having reviewed this allegation, the appellate court reasoned that the issue of a blood transfusion was not of significant importance because the child was in good health. The court, however, looked to the more important and relevant issues at hand indicating that the Witness mother was not "raising the child so that it behaves in a fanatical intolerant manner towards other religious denominations or in a manner that would be contrary to the child's welfare, by making the child strongly dependent upon her own religious association or that she will do so." Thus, the court affirmed the lower court's decision to grant the Witness mother custody.

The Perugia Juvenile Court decision in the case of Paoluzzi Leonardo vs. Ammazzalorso Maria Rita addresses the issue of the divorced parents who disagree about the religious training that the other parent will offer. The court suggested that "should the parents have a difference of opinion regarding the religious education of their children, the reciprocal duty of tolerating each other's convictions and of not hindering the relative religious practices, must likewise be affirmed ... [because] the only boundary to the contents of a religion will be in its not clashing with public order or with the fundamental ethical principles of the law.(61)

These custody cases are not the exception. In most child custody cases, the trial courts and appellate courts find that the Witness parent is both at and capable of rearing physically, emotionally, and

healthy children. Yet, the Belgium and French Parliamentary Enquete reports suggest that Witnesses are dangerous. What accounts for the extreme difference of opinion? There are a variety of possible explanations.

European constitutions consistently provide for the protection of religious liberty and freedom of conscience for their citizens. However, the governments' management of religious organizations and the laws governing their corporate structure and privileges allows for a two-tiered or multi-tiered system of governmental approvals. This legal structure suggests, even asserts, that equal treatment of religious organizations is not required by law, and thus "cult classification"(62) is state-sanctioned. Sanctioning different corporate structures and different tax structures also creates a risk to the minority religion, which if targeted, can be simply taxed out of existence. In contrast, in a civil court setting, judges, constrained by constitution and statute, are required to view parties in a religiously neutral eye. With the help of custody evaluators and psychologists trained to focus on the emotional and physical needs of the child, the trial judge directs attention to the child's needs rather than the parent's religious affiliation.

Another reason for dissimilar outcomes in the child custody cases and the commissions is the element of politics. The commissions were made up of political party members who encouraged their parties' agendas. Politics not only influenced the selection of the commission members, but also played a large part in the formulation of the reports, thus leaving the findings apolitical compromise rather than a scientific study based on consistent data collection, consistent analysis and tested conclusions. As Seiwart pointed out, the commission members in Germany had a political agenda and relied on rumors and shoddy investigations, which were based largely on the anti-cult movement's allegations and the complaints of former members that supported that political agenda.(63)

A trial is constrained by rules of evidence for the admissibility of testimony and evidence. Reliability and relevance guide the judge's decision to admit testimony or to exclude testimony. The commissions had no such evidentiary standards of admission of testimony or qualification of testifying witnesses. The commissions had no standards to determine the validity of scientific research or surveys. The commissions were influenced by the allegations of the anti-cult movement that NRMs used brainwashing and mind control.(64) Although these theories have been discredited in the scientific community in the United States, and no commission was able to find real evidence to support these allegations, the commissions' reports suggest that there is some validity to these theories. In a court of law, the trial judge is looking for a different standard of harm. Mere allegation is not sufficient. Allegations of harm must be supported by reliable evidence from competent witnesses before a trial judge will make a finding of harm to the child. Further, when someone alleges that a child is harmed as a result of exposure to the parent's religious belief, the judge must find legal causation between the alleged harm and the parent's religious practice. These strict standards required in a courtroom setting were absent in the commissions.

CONCLUSION

In a little over one hundred years after the Watch Tower's first president, Charles Taze Russell, first visited Europe, Jehovah's Witnesses have become a well-established Christian denomination in many European countries. Yet, they still occasionally find themselves slandered or ignored by the press and scrutinized along with NRMs by some governmental agencies. In his recent address to the Hungarian National Assembly, Dr. Massimo Introvigne, referring to the work of the late sociologist, Roy Wallace, discussed three broad categories in which any religious movement may find itself. The first is described as "society affirming," with values that harmonize with the majority of the population. The second group would be described as a religious organization with "alternative" values, not necessarily dangerous, not necessarily criminal, but moderately to radically alternative from the mainstream. The third group or category of religious movement is extreme, and fortunately, rare. This group involves criminal activity ranging from child abuse to homicide or organized mass suicide. It is clear that the latter group, those involved in criminal activities, cannot be tolerated by the government. However, regarding the second group, those offering alternative values to the social mainline, generally the passage of time and the growth of the religious community moves that religious organization to a socially and governmentally more acceptable realm. This occurs when the alternative group is better

understood, more widely accepted, and is no longer seen as a threat to the established dominant religious forces. While an NRM remains clearly grouped in the category, it is likely to receive only negative media coverage. Sociologist Bryan Wilson observed:

[S]ects are news only when they are objects of opprobrium.... Sects and new religious movements make news only when there is supposed scandal or sensation to report; in the "human stories" of apostates or the anguish of parents about children exposed to sectarian influence (whether as converts or as offspring),(65)

Professor James T. Richardson made similar observations. He said "the media functions as `moral entrepreneurs'... and as institutions of social control that marginalise, delegitimise and discredit oppositional movements."(66) In this way, the media contributes significantly to the public opinion and government thought that certain alternative groups may be perceived as different and dangerous.

The United Nations Special Rapporteur on Religious Intolerance, Professor Abdelfattah Amor, in his report on Germany to the Human Rights Commission for discussion at the 54th UN Human rights Session in March 1998, documented a disturbing climate of intolerance toward minority religions.(67) As long as this climate exists, religious organizations viewed as alternative will be lumped together and presented as "quasi-criminal" by both the media and the government. If the religious organization remains passive in this process, there will be no champion. Only by proactively providing accurate information to the media, governmental officials, key opinion leaders and the general public can the new religious movement ever hope to discard the image of criminality thrust upon it by generalizations, careless reporting, and specific attacks from anti-cult groups and mainstream religious organizations. Thus, the history of Jehovah's Witnesses in Europe sets a fine example and model for what emerging new religions may expect to experience in Europe as they struggle for survival and recognition at the start of the twenty-first century.

(1.) See, e.g., the definition offered by the Netherlands Parliamentary Enquete Commission, which defined a new religious movement as a "group of people which lately manifests itself in the spiritual field and is characterized either by a (charismatic) leader or by specific religious conceptions, or else by a specific behavior as a group, or a combination of these aspects." Using this definition, the Commission declined to include Jehovah's Witnesses in their investigations.

(2.) Eileen Barker, "New Religious Movements: Their Incidence and Significance," *New Religious Movements: Challenge and Response*, eds. Bryan Wilson & Jamie Cresswell (London: Routledge, 1999), 16.

(3.) Watchtower Bible and Tract Society of New York, Inc., *The Watchtower* (15 January 2001): 12.

(4.) The complete New World Translation of the Holy Scriptures is available in seventeen languages, and the New World Translation of the Christian Greek Scriptures' is available in fourteen languages. Note: In the language count we do not count Braille editions or Chinese (Simplified). Complete editions are published in Czech (1991), Danish (1985), Dutch (1969), English (1961) [also English Braille] (1988), Finnish (1995), French (1974), German (1972), Greek (1997), Italian (1968), Japanese (1982), Norwegian (1996), Polish (1997), Portuguese (1967) [also Portuguese Braille] (1988), Slovak (1991), Spanish (1967), Swedish (1992), and Yoruba (1997). It is available in part in Afrikaans (1994), Arabic (1998), Cebuano (1993), Chinese (1995), Chinese [Simplified] (1995), Iloko (1993), Indonesian (1994), Korean (1994), Sesotho (1995), Spanish Braille (1998), Swahili (1996), Tagalog (1993), Tsonga (1997), Tswana (1996), Xhosa (1995), and Zulu (1994).

(5.) Watchtower Bible and Tract Society of New York, Inc., *Jehovah's Witnesses--Proclaimers of God's Kingdom* (New York: Watchtower Bible and Tract Society of New York, Inc., 1993), 229.

(6.) Ibid.

(7.) Ibid.

(8.) Ibid.

(9.) Ibid.

(10.) Rodney Stark & Laurence R. Iannaccone, "Why the Jehovah's Witnesses Grow so Rapidly: A Theoretical Application," *Journal of Contemporary Religion* 12 (1993): 133.

(11.) Watchtower Bible and Tract Society of New York, Inc., 2001 Yearbook of Jehovah's Witnesses (New York: Watchtower Bible and Tract Society of New York, Inc, 2001), 39.

(12.) A detailed consideration of the beliefs of Jehovah's Witnesses can be found in the book, *Knowledge that Leads to Everlasting Life*, published by the Watchtower Bible and Tract Society of New York, Inc. (1995). Readers of this article may contact the author in writing or by e-mail and request a complementary copy.

(13.) Watchtower Bible and Tract Society of New York, Inc., 2001 Yearbook of Jehovah's Witnesses (New York: Watchtower Bible and Tract Society of New York, Inc., 2001), 32-39.

(14.) Ibid.

(15.) Ibid.

(16.) *The World Almanac and Book of Facts*, 1999, "Nations of the World." Andorra has a population of 65,000; Liechtenstein has a population of 32,000; and Iceland has a population of 271,000.

(17.) Watchtower Bible and Tract Society of New York, Inc., 1974 Yearbook of Jehovah's Witnesses (New York: Watchtower Bible and Tract Society of New York, Inc., 1974), 67.

(18.) Watchtower Bible and Tract Society of New York, Inc., 1987 Yearbook of Jehovah's Witnesses (New York: Watchtower Bible and Tract Society of New York, Inc., 1987), 120.

(19.) Watchtower Bible and Tract Society of New York, Inc., 1982 Yearbook of Jehovah's Witnesses (New York: Watchtower Bible and Tract Society of New York, Inc., 1982), 118.

(20.) Watchtower Bible and Tract Society of New York, Inc., *Jehovah's Witnesses--Proclaimers of God's Kingdom* (New York: Watchtower Bible and Tract Society of New York, Inc., 1993), 584.

(21.) Watchtower Bible and Tract Society of New York, Inc., 1980 Yearbook of Jehovah's Witnesses (New York: Watchtower Bible and Tract Society of New York, Inc., 1980), 87.

(22.) Christine King, *The Nazi State and the New Religions: Five Case Studies in Non-Conformity* (New York: Edwin Mellen Press, 1982).

(23.) This comment was heard by Ludwig Wurm, a member of the Nazi party, at a rally in Nuremberg on the Zeppelin Meadow. Ludwig Wurm's life story appears in "My Hate Turned to Love," *Awake!* (8 January 1995): 12.

(24.) Gabriele Yonan, "Spiritual Resistance of Christian Conviction in Nazi Germany: The Case of the Jehovah Witnesses," *Journal of Church and State* 41 (Spring 1999): 307-22.

(25.) District Court, Waldenberg, Silesia, November 2, 1937--VIII, 195--Extract from *Deutsche Justiz*,

official Gazette of the German Administration of the Law, Bulletin of the Department of Justice, Berlin, 26 November 1937.

(26.) Ibid., 105-08.

(27.) Ibid., 116.

(28.) Watchtower Bible and Tract Society of New York, Inc., 1989 Yearbook of Jehovah's Witnesses (New York: Watchtower Bible and Tract Society of New York, Inc., 1989), 134.

(29.) Ibid.

(30.) Watchtower Bible and Tract Society of New York, Inc., Jehovah's Witnesses--Proclaimers of God's Kingdom (New York: Watchtower Bible and Tract Society of New York, 1993), 268.

(31.) Watchtower Bible and Tract Society of New York, Inc., 1974 Yearbook of Jehovah's Witnesses (New York: Watchtower Bible and Tract Society of New York, Inc., 1974), 217-18.

(32.) Ibid., 220.

(33.) Ibid., 221.

(34.) Ibid., 112, 239.

(35.) Watchtower Bible and Tract Society of New York, Inc., 1999 Yearbook of Jehovah's Witnesses (New York: Watchtower Bible and Tract Society of New York, Inc., 1999), 112.

(36.) Ibid., 121-24.

(37.) Europäische Grundrechte Zeitschrift EuGRZ 2000, 659-68; Neue Juristische Wochenschrift NJW 2001, 429-33 (BverfGE decision from 19 December 2000, - 2 BvR 1500/97).

(38.) Frank M. Sandiford, M.D., "Aortocoronary Bypass and Jehovah's Witnesses: A Review of 46 Patients," American Surgeon 42 (1976): 17-22. Discusses study of aortocoronary bypass procedures using hemodilution, rather than blood transfusion, indicating that of the forty-six patients who declined blood transfusions, only two died. The study concluded that in no case did the patient die of blood insufficiency and that a potential advantage to Jehovah's Witnesses' refusal of homologous blood transfusion was the significant reduction from the risk of serum hepatitis and AIDS.

(39.) Andrew Pollak comments on the shift toward bloodless surgery in "Bloodless Surgery Gains New Acceptance," New York Times, 21 April 1998, sec. F, p. 3: "Once an obscure specialty, bloodless medicine is becoming more common now because of advances in technology. Seventy-six hospitals in the United States now offer bloodless medicine, up from only a handful in 1990, according to the Jehovah's Witnesses. And the practice is spreading beyond the one religious group because many patients now fear getting hepatitis, AIDS, or another disease from donated blood. Even among doctors who will not give up transfusions entirely, there has been a marked shift in recent years toward more sparing use of donated blood because of the AIDS problem and because the experience of Jehovah's Witnesses has shown that patients can get by with lower blood levels than previously thought."

(40.) European Court of Human Rights, <http://www.dhcour.coe.fr/>, Cases won: Efstratiou v. Greece, No. 24095/94, 1996; Georgiadis v. Greece (29 May 1997), Strasbourg 56/1996/675/ 865 (Eur. Ct. H.R.); Hoffmann v. Austria (23 June 1993), Strasbourg 15/1992/360/434 (Eur. Ct. H.R.); Kokkinakis v. Greece 17 E.H.R.R. 397 (1993); Manoussakis et al. v. Greece (26 September 1996), Strasbourg 510/26.9/1996 (Eur. Ct. H.R.); Pentidis et al. v. Greece, No. 23238/94, 1997; Tsavachidis v. Greece

Application No. 28802/95 (January 1999); Tsirlis and Kouloumpas v. Greece (May 1997), Strasbourg 54/1996/673/859-860 (Eur. Ct. H.R.); Valsamis v. Greece (18 December 1996), Strasbourg, 74/1995/580/666 (Eur. Ct. H.R.).

(41.) Louis Jolyon West, M.D., "Persuasive Techniques in Contemporary Cults: A Public Health Approach," *Cults and New Religious Movements*, ed. Marc Galanter, M.D. (Washington, D.C.: American Psychiatric Association, 1989), 176.

(42.) As stated in West, "Persuasive Techniques," 176, 177, the resolution recommends that the following criteria be used to investigate, review, and assess the activities of new organizations:

- (a) Persons under the age of majority should not be forced, on becoming a member of an organization, to make a solemn, long-term commitment that will determine the course of their lives;
- (b) There should be an adequate period of reflection on the financial or personal commitment involved;
- (c) After joining an organization, contacts must be allowed with family and friends;
- (d) Members who have already commenced a course of education should not be prevented from completing it;
- (e) The following rights to be an individual must be respected:
 - (1) The right to leave an organization unhindered;
 - (2) The right to contact family and friends in person or by letter and telephone;
 - (3) The right to seek independent advice, legal or otherwise;
 - (4) The right to seek medical attention at any time;
- (f) No one may be incited to break any law, particularly with regard to fund-raising, for example, by begging or prostitution;
- (g) Organizations may not extract permanent commitments from potential recruits. For example, students or tourists who are visitors to a country in which they are not residents;
- (h) During recruitment, the name and principles of the organization should always be made immediately clear;
- (i) Such organizations must inform the competent authorities on request of the address or whereabouts of individual members;
- (j) The above-mentioned organization must ensure that individuals dependent on them and working on their behalf receive the social security benefits provided in the Member States in which they live or work;
- (k) If a member travels abroad in ... the interest of an organization, it must accept responsibility for bringing the individual home, especially in the event of illness;
- (l) Telephone calls and letters from members' families must be immediately passed on to them; and
- (m) Where recruits have children, organizations must do their utmost to further their education and

health, and avoid any circumstances in which the children's well-being might be at risk.

(43.) Richard Singelenberg, "Scandalous Sex was Presumably Perpetrated," *Trouw*, 7 May 1997, Amsterdam edition.

(44.) Hubert Seiwert, "The German Enquete Commission on Sects: Political Conflicts and Compromises," *Social Justice Research* 12 (1999): 323-40, 330.

(45.) *Ibid.*

(46.) Swedish Government Commission on New Religious Movements, "In Good Faith: Society and the New Religious Movements," CESNUR, <http://www.cesnur.org/swedish.htm>, (1998): sec. 1.5.

(47.) Seiwert, "The German Enquete Commission on Sects: Political Conflicts and Compromises," 323-40, 328.

(48.) *Ibid.*, 330.

(49.) *Ibid.*, 331.

(50.) On 24 October 1978, the Ontario Legislature appointed Daniel G. Hill as Special Advisor for the study of mind development groups, sects and cults. Daniel Hill submitted his final report to the Legislature entitled *Study of Mind Development Groups, Sects and Cults in Ontario*, June 1980.

(51.) On 27 October 1998, at the OSCE (Organization for Security and Co-operation in Europe) Implementation Review Meeting in Warsaw, Poland, Dr. Laila Al-Marayati delivered a statement on the U.S. position on continuing religious intolerance in Europe entitled "Freedom of Thought, Conscience, Religion or Belief," http://www.cesnur.org/testi/USGov_Oct98.htm.

(52.) Willy Fautre, "Belgium's Anti-Sect War," *Social Justice Research* 12 (1999): 377-92, 384.

(53.) CESNUR (Center for Studies on New Religions), "Anti-Cult Hysteria in France: President of Anti-Cult Mission Attacks First Amendment to the U.S. Constitution." CESNUR offers a partial translation of an interview of the president of the newly established French governmental "Mission to Fight Against Cults," Mr. Alain Vivien, that appeared in the magazine "Reforme," n. 2797, (19 November 1998), 7, entitled "Une liberte sous controle," by Claudine Castelnaud, <http://www.cesnur.org/testi/vivien.htm>.

(54.) *Human Rights without Frontiers* (September 1998): 2.

(55.) *Ibid.*

(56.) CESNUR, see n. 51.

(57.) *Ibid.*

(58.) *Human Rights without Frontiers* (March 1999).

(59.) Willy Fautre (Chairman of "Human Rights Without Frontiers") speaking at the OSCE Implementation Meeting in Warsaw on 26 October 1998. <http://www.hrwf.net/English/10osce.html>.

(60.) *Ibid.*

(61.) *Paoluzzi v. Ammazalorso*, No. 226 (Perugia Juvenile Court, 4 June 1991).

(62.) Derek H. Davis, Editorial, "Religious Persecution in Today's Germany: Old Habits Renewed," *Journal of Church and State* 40 (Autumn 1998): 741-56.

(63.) Seiwert, "The German Enquete Commission on Sects: Political Conflicts and Compromises," 323-40.

(64.) Massimo Introvigne, "Religious Liberty in Western Europe," *ISKCON Communications Journal* 5 (1997). Paper presented at conference in Torino, December 1997. Introvigne explains that in "the United States, theories of brainwashing and mind control applied to religious minorities have been debunked for at least ten 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 11 May 1987, the Board rejected the report and concluded that the mind control theories used in order to distinguish 'cults' from religions are not part of accepted psychological science."

(65.) Bryan R. Wilson, *The Social Dimension of Sectarianism* (Oxford: Clarendon Press, 1990), 66.

(66.) James T. Richardson, "Journalistic Bias Toward New Religious Movements in Australia," *Journal of Contemporary Religion* 11 (1996): 289, 290.

(67.) Commission on Human Rights, fifty-fourth sess., "Implementation of the Declaration of the Elimination of all Forms of Intolerance and of Discrimination Based on Religious Beliefs," Report submitted by Mr. Abdelfattah Amor, United Nations Special Rapporteur, E/CN.4/1998/6/Add.2, 22 December 1997.

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