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“Brainwashing” Theories in European Parliamentary and Administrative Reports on “Cults” and “Sects”

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This study examines the recent rash of official reports done by governmental agencies in Western Europe to guide policy development in those societies. Particular attention is given to reports in France, Belgium, Switzerland, Germany, Sweden, and Italy, and to the changes in such reports that have occurred, perhaps because of the influence of scholarly critiques offered for some of the earlier reports. The reports are divided into “Type I” and “Type II” reports, with the former being thorough-going in their anti-cult orientation, and the latter reports being more moderate in tone, with some attention paid to scholarship on new religions. However, the major thesis of the study is supported, as an examination of both types of reports reveals that they incorporate “brainwashing” and “mind control” imagery imported from the United States, even though such theories have been largely discounted within the United States. Use of such theories leads directly to some questionable policy recommendations, as demonstrated in the reports. Reasons for the spread of “brainwashing” ideas to Europe are discussed.

INTRODUCTION

Religious minorities in Europe today are often perceived as a social problem, traditionally thought of as “a condition which is defined by a considerable number of persons as a diversion from some social norm which they cherish” (Fuller and Myers 1941). Recent scholarship suggests that although a social problem’s beginnings are subject to empirical verification, the way they develop and are represented, constructed, or negotiated is the result of complicated social processes (Richardson 1997).

In the 1970s, the concept of “moral panic” was developed (Jenkins 1998) to explain how some social problems generate exaggerated fears. Moral panics are defined as socially constructed social problems characterized by a reaction, in the media and in political forums, out of proportion to the actual threat. They are often based on folk statistics that are passed on from media to media, and may ultimately inspire political measures. According to Philip Jenkins, “the panic reaction does not occur because of any rational assessment . . .”; rather, it is “a result of ill-defined fears that eventually find a dramatic and oversimplified focus in one incident or stereotype, which then provides a visible symbol for discussion and debate” (Jenkins 1996: 170). Jenkins also emphasizes the role of the “moral entrepreneurs” who have vested interests in perpetuating these fears.

“Sects” and “cults” are often quintessential targets of moral panics. “Sects perform a convenient integrative function by providing a common enemy, a ‘dangerous outsider’ against which the mainstream can unite and reassert its shared standards and beliefs . . . [T]he tension between sects and mainstream community might result in active persecution or it can take the form of ostracism and negative stereotyping” (Jenkins 1996:158). Moral panics usually have some objective basis. Nobody would deny that some new religious movements have been guilty of criminal activities, ranging from cases of fraud to the horrors of the Solar Temple. The real problem, however, is

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prevalence, rather than existence. Most scholars of new religious movements would subscribe to the conclusion of the Swiss federal report on Scientology that “the immense majority of these groups [“sects” or “cults”] represents neither a danger to their members nor to the State” (*La Scientologie en Suisse* 1998:132–33). Few scholars, on the other hand, would agree with the French (Assemblée Nationale 1996) or Belgian (Chambre des Représentants de Belgique 1997) parliamentary reports that listed dozens of groups—from Mormons to Quakers and Baha’is—as “sects” or “cults” actually, or potentially, dangerous.

Moral panics start with a basis in reality, but escalate through exaggeration when comments appropriate to particular incidents are generalized. This happened in the United States after Jonestown (in 1978) and is currently evident in Europe following the Solar Temple incidents of murders and suicides (in 1994, 1995, and 1997), especially as demonstrated by so many official reports on new religions, or “cults and sects.” It is in the escalation, rather than the creation, of moral panics that moral entrepreneurs with vested interests enter the picture. They include different anti-cult movements, some of which currently receive considerable public support in some European countries.¹

“TYPE I” OFFICIAL REPORTS ON “SECTS” AND “CULTS” IN WESTERN EUROPE

Within this context, some European parliamentary and other official reports generated in the wake of the Solar Temple incidents have adopted an interpretive model that offers a virtual guarantee of inflating, rather than deflating, moral panics. “Type I” (Introvigne 2000) official documents, which include the French reports (Assemblée Nationale 1996 and 1999), the Belgian report (Chambre des Représentants de Belgique 1997), large parts of the Canton of Geneva report (*Audit sur les dérives sectaires* 1997) and of the same Canton’s report on brainwashing (Commission pénale sur les dérives sectaires 1999), the deliberations of the French Prime Minister’s “Observatory of Sects” (Observatoire Interministériel sur les Sectes 1998) and of its successor, the Mission to Fight Against Sects (MILS 2000) all adopt a four-stage interpretive model, described as follows:

1. *Cults or Sects are Not Religions*. First, the model claims that some minority religious groups are not really “religions” but something else: namely, “cults” and “sects.” The two words are used almost interchangeably in Europe, with the word equivalent to “sect” (e.g., *secte* in French, *setta* in Italian, or *sekte* in German) being the most derogatory in several languages. Because religious liberty is recognized in Western Europe as a value often constitutionally safeguarded (including by international treaties and declarations), the best way to discriminate against a religious minority is to argue that it is not religious at all (Dillon and Richardson 1994; Barker 1996; Introvigne 1999c). As sociologist Larry Greil says, religion is “a cultural resource over which competing interest groups may vie. From this perspective, religion is not an entity but a claim made by certain groups and—in some cases—contested by others to the right of privileges associated in a given society with the religious label” (Greil 1996:48).
2. *Brainwashing and Mind Control*. Second, since religion is usually defined as an exercise of free will, it is argued that a nonreligion can be joined only under some sort of coercion, which is quite often couched in brainwashing-like terms. The hypnotic paradigm used against Mormonism, the Shakers, and other groups by 19th century countercultists (Miller 1983) resurfaced—after the Cold War had conveniently supplied the metaphor of “brainwashing”—in the 1970s “cult wars” in the United States and elsewhere (Robbins and Anthony 1982; Anthony, Robbins, and McCarthy 1983; Richardson and Kilbourne 1983). By the end of the 1980s, the first “crude” theories of brainwashing had been largely debunked among English-speaking scholars (Barker 1984; Anthony 1990; Richardson 1993, 1996a), although neo-brainwashing theories have been proposed more recently, and the situation could change.² However, these crude brainwashing theories continue to inform Type I reports done by European governmental agencies, as will be shown (see Anthony 1999, especially).
3. *Apostates*. Third, because brainwashing theories are the object of considerable scholarly criticism, the model requires discrimination in terms of sources and narratives. The French and

Belgian reports make little, or no, use of scholarly sources. The Belgian report explicitly states that it is aware of scholarly objections against the mind control model, but has made the “ethical” choice of preferring the actual accounts of “victims.” By “victims,” the Belgian Commission means people usually defined by social scientists as “apostates,” i.e., former members who have become active opponents of the group they left, and who develop “accounts” of their involvement that cast their former group in a negative light (Richardson, van der Lans, and Derks 1986; Bromley 1998). The prevalence of apostates among former members is certainly no more than 10 or 20 percent, depending on the movement (Solomon 1981; Lewis 1986, 1989; Introvigne 1999a). Most ex-members usually are not interested in joining a crusade against the group they have left, but the model usually regards apostates as adequate representatives of the total larger category of former members.

4. *Anti-Cult Organizations.* “Cults” or “sects,” we are told, are not religions because they apply brainwashing techniques, whereas religions by their very nature are “free” and people may join or leave them at will. We know that “cults” and “sects” use brainwashing because we have the testimonies of their “victims” (i.e., apostates). We know that “apostates” are representative of the groups’ general membership because they are hand-picked by reliable watchdog organizations, groups referred to by scholars as “anti-cult” (Shupe and Bromley 1994). Anti-cult organizations, prominent in all Type I reports, are, we are told, more reliable than academics because the former, unlike the latter, have “practical” experience actually working with the “victims.”

This four-stage model plays an important role in perpetuating the moral panic about cults and sects, and is rather strictly adhered to in official documents and institutions throughout French-speaking Europe. Of particular note in all these Type I reports is the lynch-pin role played by brainwashing-type theories. Without this ideological device, the reports would be considerably weaker in both claims and recommendations. After contrasting Type II reports, we will examine use of brainwashing concepts in both types of reports to see whether the two types of reports are similar in use of such ideas.

“TYPE II” REPORTS

Scholarly criticism directed against Type I reports (see Introvigne and Melton 1996) seems to have exerted some influence in other countries. We have seen “Type II” (Introvigne 2000) reports published in 1998 by the German Parliament (Deutscher Bunderstag—13. Wahlperiode 1998), the Italian Ministry of Home Affairs (Ministero dell’Interno 1998), the Swiss Canton of Ticino (Dipartimento delle Istituzioni, Repubblica e Cantone del Ticino 1998), a governmental Swedish Commission (1998) that investigated new religious movements, and, in 1999, by the Council of Europe (Council of Europe—Committee on Legal Affairs and Human Rights 1999) and by a commission of the Swiss Parliament (Commission de gestion du Conseil National 1999). We would include the general part on “sects” of the Swiss report on Scientology in the larger Type II category, as well as the Berger report presented to, but not adopted by, the European Parliament (European Parliament, Committee on Civil Liberties and Internal Affairs 1997). These reports differ from each other and are subject to considerable debate and criticism, but they do not apply the same Type I model and they concentrate more attention on academic findings. For example, they generally acknowledge that:

1. It is extremely difficult to define such terms as “cult” and “sect,” or “religion,” and it may not be the province of secular states to attempt such definitions.
2. Although there is concern that some religious movements may exert excessive psychological pressures on their members, it is generally understood that there is no agreement among scholars on the definition of “brainwashing” or “mind control.”
3. Militant ex-members are not viewed as the only reliable source of information about the groups. Those who report positive experiences should also be heard (the Swedish report notes

that “the great majority of members of new religious movements derive positive experiences from their membership”—1998:§1.6), as well as scholars.

4. Private anti-cult organizations may perform a legitimate function but, as the Canton of Ticino report puts it, the governments should not support them to the point of “co-operating in spreading prejudices” or even a sort of “anti-cult terrorism” (*terrorismo antisetta*).

Type II reports represent more acceptance of scholarly work when compared with Type I reports, and prove that cooler tempers can prevail. However, Type II reports are still uncertain concerning the use of brainwashing/mind control metaphors, and most contain suggestions that problems remain in the area of recruitment and retention techniques, and that such problems should be attended to by governmental authorities.

AN ASSESSMENT OF “BRAINWASHING” AND “MIND CONTROL” IDEAS IN THE REPORTS

Richardson (1996a) examined the uses made of brainwashing metaphors in legal contexts around the globe, such as before the European Court of Human Rights, as well as in several countries, including Spain, Argentina, Australia, and Russia, where such ideas had been discussed in court and even included in judgments rendered by the courts. He noted that brainwashing ideas had become an important social and cultural export of the United States, and that the concepts had permeated many cultures around the world, as those societies grappled with the spread of new religious groups. While not always successfully applied within legal contexts, brainwashing notions were spread around the world as part of the cultural arsenal used in attempts to exercise social control over these new phenomena that were troublesome to some parents as well as to policy makers and politicians.

Since that 1996 law review article there has developed within a number of European societies more concern about the new religions, concern that has manifested itself, as noted, in a number of official reports done on the alleged menace posed by such movements. The reports in question were issued over a relatively short period of time. Therefore, it is significant that there does seem to be a significant shift in the tenor of the reports. The Type I reports, which are the most egregious in terms of their acceptance of an anti-cult perspective, the ignoring of scholarship, and recommendations, include the ones from France (January 10, 1996), Belgium (April 28, 1997), the Canton of Geneva “general” report (May 24, 1997), a second report from France focusing on finances of the groups (June 10, 1999), and the Canton of Geneva report on brainwashing (1999). We will discuss some recent developments in France, as new laws are being sought that implement the “findings” of French reports, and we will also examine briefly some changes in the Spanish law related to new religions, since the changes apparently derive directly from influence of the French debates.

Type II reports examined here include the report of the Swedish governmental commission (October 1998), the Swiss report on Scientology (July 1998), the report of the German Enquete Commission (June 19, 1998), the Italian Police Report (April 29, 1998), the Council of Europe report (June 22, 1999), and the Swiss Parliament’s Commission on Management report (July 1, 1999).

As indicated, the guiding idea of this study is that there is one significant area where all the reports, although somewhat different in tone, share a similar perspective. That concerns concepts analogous to the derogatory terms “brainwashing” and “mind control” so often used in the United States as social weapons against newer religions. We will discuss both types of reports to illustrate this similarity.

Type I Reports and Brainwashing

Certainly the two reports from France (in turn influential on Spanish developments) and Belgium are pervaded with the imagery of psychological manipulation and coercion, as is the report from the Canton of Geneva. Many pages in the reports are devoted to the various techniques allegedly used to recruit members and retain them. Indeed, some of the most problematic sections

of those reports are devoted to such topics. The second French report, while not spending much time on brainwashing per se, does use the concept as a major justification for the conclusions and recommendations of the report. The Canton of Geneva report on brainwashing takes for granted the general structure of the previous French and Geneva reports, and goes on to propose specific anti-brainwashing legislation. Some discussion will be offered of each report in terms of its treatment of terms, concepts, and processes analogous to the Americanized brainwashing and mind control notions.

French Report I

This first French report evoked an outcry from scholars around the world. It presented a litany of anti-cult diatribe under the guise of an official parliamentary document supposedly based on objective study. That this is not the case is obvious to even the most casual observer. We will not recount all the criticisms of this report (see Introvigne and Melton 1996), but will instead focus just on what is said about recruitment and maintenance of participants, to give a flavor of the logic and theories that undergird this key aspect of the report.³

The report relies heavily on the ideas of noted French anti-cultist Jean-Marie Abgrall, a well-known anti-cult psychiatrist in private practice in France (for a critique of Abgrall's ideas, see Anthony 1999). Abgrall is quoted as saying (p. 42):

The recruitment of the adept undergoes three phases, from which adhesion will progressively be attained, and at the same time an intellectual and effective form of dependency will appear. Step by step the new adept will be seduced, persuaded, and then fascinated by the sect and its recruiting members.

The first phase of recruitment is evidently one of seduction. It focuses on a seductive alternative to the difficulties of everyday life

The seduction principle requires that the initial contact be destined to promote the identification process between the recruiter and the recruit

After noting that these techniques are used by many in different walks of life, and that "everybody manipulates everybody else," we read this startling statement:

We shall see that the dangers of the persuasion discourse used by the sects do not depend as much on the techniques used, but rather on the consequences of adhesion that result.

Another component of the adhesion process, according to the report, is "fascination," developed during the many meetings and activities in which the potential recruit has been involved. The report then admits that there is a volitional element to participation (p. 43), with an interpretation of that voluntariness as follows: "The sects are not a net that falls upon people, but a web into which they end up."

Later in the French report (pp. 90–91) a discussion is offered concerning legal means to address the threat posed by sects and cults. A caution is offered that, "For obvious reasons, the repression of mental destabilization practices is particularly delicate . . ." Nonetheless, some legal tools are described, the most interesting of which is described as follows:

[T]he new Penal Code . . . contains a new incrimination susceptible to becoming a supplementary judicial means to fight against the practices of certain sectarian movements. It is article 313-4, in which the terms "the fraudulent abuse of a state of ignorance, or a situation of weakness, be it a minor, be it a person who is particularly vulnerable due to age, due to illness, due to physical or psychological deficiency or a state of pregnancy, is apparent or due to this individual, to force this minor or this vulnerable person to commit an act or to an abstention that is gravely prejudicial to him, is punished by three years of jail and a 2,500,00 F penalty.

This new law, which seems somewhat like American conservatorship laws designed mainly to protect elderly people approaching senility, shows little respect for human agency, similar to classical brainwashing theories (Richardson and Kilbourne 1983). It is being proposed for

use against those who would recruit for new and minority faiths.⁴ The proffer seems based on an assumption that no person in their right mind would choose to join such a group, so they must be suffering from a mental defect of some sort if they participate. And that defect is caused by the recruiter. Thus, a brainwashing-like interpretation is offered to undergird this new law, so that it might be used in the current effort to exert social control over cults and sects in France.

Amendments to the Spanish Criminal Code

In Europe, there have been several pre-Solar Temple official reports on sects and cults. Notable for its moderation was the Dutch report of 1984 (Witteveen 1984). Although less moderate, and introducing the notion of “destructive cult,” a Spanish report of 1989 did not recommend new anti-cult legislation (see Motilla 1999: 328–30). In fact, Spanish courts repeatedly found in favor of the Children of God/The Family (Motilla 1999), notwithstanding lurid press campaigns exposing it as a brainwashing, child-abusing cult. After the first Solar Temple tragedy, however, the decisions in favor of The Family and other groups (Richardson 1996a) were subject to increasing criticism, as evidencing an alleged “legal vacuum” in Spanish law when it was thought necessary to act against “destructive cults.” The new Spanish Criminal Code (1995) thus introduced a section 515 no. 3 regarding as illicit an association that “even when having licit ends, uses violent methods or alteration and control of the personality in order to pursue such ends.” Being a founder, an officer, a member, or even a “collaborator” of an “illicit association” is a criminal offense, and the association itself is subject to dissolution (Motilla 1999: 338).

The reference to “alteration and control of the personality” hides a notion of brainwashing, as evidenced by the District Attorney (D.A.) (Fiscal) of Tenerife, Canary Islands, in a 1999 case that he hopes will become a landmark example of prosecuting an association accused of practicing “alteration and control of the personality” of its members. The D.A. states that the new provision introduced in the Criminal Code represents an “in-depth modification” of Spanish law and offers the possibility of prosecuting a “destructive cult” whose features are “group dynamic,” “hypnotic procedures” (“turning the attention of the member from outside to inside”), and “mind control” (Casanovas 1999:1–2). The case refers to the Atman Foundation (originally a splinter group from the Brahma Kumaris) and made international headlines on January 8, 1998 when it was announced that the Canary Islands police had prevented a mass suicide of “a branch of the Solar Temple” by arresting its leader, German motivational speaker Heide Fittkau-Garthe, and a number of followers. During subsequent months, the case disappeared from the international media. At the local level, it was clarified that the Atman Foundation has nothing to do with the Solar Temple but, according to a family of disgruntled German ex-members, may be “just as bad.” Police investigations in Germany failed to detect any evidence that the Foundation was preparing a mass suicide. However, the accusation is maintained in Spain at the time of this writing, together with some others, although no trial has been scheduled.

Following a request by the D.A., the judge in charge asked a Mr. Eloy Rodríguez-Valdés to submit an expert report on “whether the group may be regarded as a destructive cult.” Mr. Rodríguez-Valdés describes himself as “a psychologist, sexologist, and expert on destructive cults” in private practice in Bajamar, Tenerife, Canary Islands. He concludes that the Foundation is a destructive cult and practices “brainwashing” (*lavado de cerebro*). He submits 20 criteria to be used to distinguish between a “religion” and a “destructive cult” routinely using brainwashing. The first is that “religions have a history, an antiquity, a social evolution. They are not founded overnight,” while destructive cults “have no history, nor tradition” (Rodríguez-Valdés 1999:35). Second, religions “partake of culture and society—they are the result of history” whereas destructive cults “have nothing to do with history, much less are a result of it.” Third, “members are free to accept or reject the content or dogma of a religion,” whereas the “adept is under the

obligation of believing, practicing and spreading the doctrine and belief of a destructive cult” (Rodríguez-Valdés 1999:36).

There are, as mentioned earlier, 17 other criteria, but the first three are representative enough of how platitudes, inaccuracies (are members of a religion by definition free to “reject its content or dogma”?), and value judgments are passed off as psychological or scientific conclusions about mind control, brainwashing, and destructive cults.

For purposes of our study it is not relevant whether the leaders of the Atman Foundation are guilty of crimes other than promoting an association that is considered illicit because it uses “alteration and control of the personality” (i.e., brainwashing). It is the evidence offered by the expert for this latter crime, and the comments of the prosecutor, that are particularly disturbing in relation both to the incrimination of brainwashing per se and to the use of professional “cult-busters” as experts appointed by the courts.

Belgian Report

The Belgian report, which is the most slanted of all the recent official reports, discusses at length the concept of “mental manipulation” and offers a lengthy summary of Robert Lifton’s 1963 classic, *Thought Reform and the Psychology of Totalism*, although no critiques of Lifton’s work (or the ways it has been applied) were mentioned (see Anthony 1990, 1999). Nor does the Belgian report take into account the differences between Lifton’s own work and the use of Lifton by Margaret Singer and other anti-cult authors; the latter and Lifton are quoted together as if their theories were one and the same (Richardson 1993, 1996a). The treatment of Lifton in the Belgian report is a typical anti-cult application of some of his ideas to contemporary religious groups.⁵

The discussion of “Persuasion Strategies and Indoctrination” is especially revealing of the attitudes underlying the Belgian report. One quote will illustrate:

The detrimental sectarian organizations try to influence their members and their groups in the society with the aim to establish certain opinions and institutions by biased intensive psychological means. An essential element in this context is indoctrination; the disciples are made dependent on the group in diverse ways. The members of the group must be submissive and made dependent to answer the totalitarian needs of the group and its chief. With the help of adequate psychological methods the group and its chief focus on becoming master of the conscience of members. To this effect, it is startling to realize that the members have no conscience of being manipulated, and that they do not therefore develop any appropriate defense strategy.

Witnesses heard by the investigating commission have discussed mental manipulation, mental destabilization, psychological alienation, moral violence, attempts at the autonomy of the will, of mental dislocation, of depersonalization, brainwashing, indoctrination, mental and personality destruction. (vol. II, p. 141)

The Belgian report also attempts to explain away criticisms offered by Introvigne and Melton (1996), including the chapter by Richardson (1996b) critiquing brainwashing theories. The report closes with recommendations for some new penal provisions, including one to make illegal “the abuse of a situation of weakness,” which is the provision taken from the French penal code discussed earlier. Apparently, this law, written to protect minors and those with mental deficiencies, is now recommended for application in Belgium to people who participate in sects and cults.

Of special concern in the Belgian report is another recommendation of “a prison term of up to five years and/or a fine for those who use beatings, violence and threats, or *psychological manipulation* to persuade an individual about the existence of false undertakings, imaginary powers, and imminent fantastical events” (p. 224 in the Belgian report). Such a stern penalty could only derive from a belief that there were indeed techniques that were all-powerful when used in recruiting by newer faiths. (See Fautré 1999 for more on the Belgian report.)

It is however interesting to note that the Observatory created in Belgium to watch “harmful cults” has adopted a much more moderate approach than its French counterpart and appears willing to cooperate with international scholars.

Canton of Geneva Report

Another Type I report, from the Canton of Geneva, while more moderate in tone than those of France and Belgium, does contain recommendations for new statutes that are obviously derived from an acceptance of brainwashing views about participation. One such recommendation is to promote Swiss federal legislation making mind control a federal felony.

The report claims (p. 268), after discussing activities not legally problematic, that “certain reprehensible behavior has nonetheless escaped the law,” and then recommends a new crime of “mental manipulation,” with the following attributes:

a. If psychical destabilization of members or their mental manipulation have as consequences attempts on their physical integrity or freedom, we can . . . consider instituting penal procedures to restrain harm or coercion

[T]he existence of injury is not an absolute condition of action We should remember that in the Swiss penal law . . . the attempt to commit an act is punishable, even though the execution of the act was interrupted or the culpable activity has run its course without nevertheless reaching the desired result. We can imagine in the meantime, with particular reference to brainwashing, that the group or its leadership cannot be prosecuted due to the lack of observable evidence of attempts on physical integrity or that a person has been deprived of his liberty.

b. We know that the notion of brainwashing was born after the Korean war, from the treatments inflicted upon the Western prisoners of war. This expression symbolizes today the intensive indoctrination of a person with the aim to produce the total loss of contact with reality. In this context the victim weakens by lowering his level of reaction and suppressing his defenses. To this end, the victim will be subjected, for example, to repeating sounds for extended hours, to food deprivation, to repeated physical exercises of short duration . . . and other forms of intensive and prolonged stress This conditioning aims to erase the ideas and concepts of the person, presenting these to him as being synonymous with “sin” or as negative elements that have hindered his harmonious development.

The report states that it is difficult to establish coercion in cases where the person is a voluntary participant and there is no threat of serious injury or violence, and then says: “We would only establish that the freedom of the member has been violated.” Then, after commenting that it is difficult to assess attempts on the psychical integrity of a person, the report states:

Nevertheless it doesn’t seem reasonable to adhere to this simple affirmation and to answer to family members who are worried about the fate of the person being involved in dangerous sectarian movements that one must wait for the incidence of an attempt on his physical or psychical integrity in order to act and remove him from ongoing destabilization maneuvers.

After lamenting the difficulty of jurists operating without medical definitions or legislators who cannot simply decree a norm since it would be hard to enforce without experts to observe the mental destabilization state of members, the report states:

Nevertheless this does not hinder reflection. We could alternatively, due to the lack of possibility of producing a medical definition, consider the enactment of a statute that would focus on the actions of individuals aimed at achieving the mental destabilization. It would repress behaviors that, taken individually, would not fall under the law. This norm could describe certain known techniques and define the illegal aims. It could be considered as part of the group of statutes that protect freedom. This norm could allow, in cases where constraint is inapplicable and where physical injury cannot be observed, intervention during the destabilization process.

These ideas are then given more specificity in a later section of the Geneva report by Mr. Harari, a lawyer. This section of the report is entitled, “Recommendations Relative to the Penal Repression of Certain Cultic Activities.” The recommendations use the term “victim” throughout to refer to a recruit or participant, and, also, terms such as brainwashing and mental manipulation and mental destabilization are used casually as if they represent accepted facts and processes. One particularly noteworthy passage in Mr. Harari’s section states:

If such a norm could be adopted, the fraudulent abuse of the state of ignorance or of a weakened state of the victim could be punished . . . where the acts or omissions that could result would gravely prejudice the victim. (p. 294)

Mr. Harari goes on to recommend that “associations and defense groups” (anti-cult organizations) be allowed to assist victims of “cultic activities” in legal procedures, apparently basing his argument on the helplessness of said victims after their participation in the group. This seems to be a justification for allowing such groups legal standing to initiate actions on behalf of members of “cults” even when the latter have no intention or desire to sue.

Second French Report

The second French report (issued on June 10, 1999) shows that the French parliament has not been responsive to critiques of scholars of its first report or of other Type I reports. Therefore, unlike other more recent reports, which we categorize as Type II, the second French report is Type I, given the virulent anti-cult perspective demonstrated throughout.

The second report focuses on finances of religious minorities, but still finds a way to bring in brainwashing claims in a significant manner. It represents another major effort by MPs Jacques Guyard, author of the 1996 French report who chaired the parliamentary commission that drafted the second report, and Jean-Pierre Brard, a member of the French governmental Mission to Fight Against the Cults (established in 1998) who is noted for strong opinions on these matters and is the author of the 1999 document. The report is divided into three parts, the first of which offers general comments on the situation concerning sects in France and in Europe. We are told again of the potential harm of such groups, and the efforts needed to control them, including adding a few more to the list of sects and cults published in the first French report (Anthroposophy and the Rosicrucian order AMORC, for instance, are now defined as dangerous and placed on the list). This section is conspiratorial in its overall flavor, and even contains a reference to the scholarly association CESNUR (of which one of the authors is managing director) as a possible major organization in an international pro-cult conspiracy.

The second section gives considerable detail about finances of the groups, discussing how they gain funds for their operations, and offering a typology of sorts, based on perceptions of wealth of the groups (Jehovah’s Witnesses and Scientology are ranked at the top). This section also presents some truly disturbing material in that it reports on individual contributions to the groups, and names names, *even though those listed as giving money to certain groups have broken no law in so doing*. Those producing the report are protected from legal action since this is an official parliamentary report, but in virtually any other civilized society such information would not be allowed to be published.⁶

The third section of the report deals with possible crimes related to finances of the groups. In its conclusion section, there are recommendations for other activities by the Mission to Fight Cults,⁷ more cooperation with anti-cult groups, and anti-cult initiatives by other branches of government. The report, since it contains little evidence of actual law breaking, must depend on other logic for its quite significant conclusions. *It finds its justification by referring to the old stand-by, brainwashing (lavage de cerveau), called here mind control (manipulation mentale).*

Cults, although typically not breaking any laws, can be identified because they employ brainwashing. While other religious organizations receive money and pay salaries to leaders out of free will, cults, “whose use of mind control certainly does not need further evidence” (p. 187), will use brainwashing to persuade their “victims” to contribute money. While other organizations obtain volunteer work by members, cults “abuse the notion of volunteer work” since they persuade members to work through a “modern form of slavery founded on mind control” (p. 176).

The report also urges reexamination of the recommendation in the 1996 report that no anti-brainwashing laws be considered, and that the Mission to Fight Cults should conduct a study of possible new statutes. Thus, the second French report clearly demonstrates how claims of brainwashing are used to undergird recommendations and conclusions that otherwise could not be justified.

Draft Law by Senator About in France

On December 16, 1999, the French Senate unanimously approved a draft law introduced by Mr. About amending the French Law of January 10, 1936 and certain other laws. The Law of January 10, 1936 was introduced to provide for the dissolution or winding-up, and ban, of combatant (at that time, mostly right-wing) anti-government organizations and private militias by a decree of the government. Cults, or "sects," will now be included. The discussion in the senate was introduced under the heading "Fighting Cults" (*Lutte contre les Sectes*), and cults are the aim of the law approved on December 16, 1999 (although in the end the word "cult" was not introduced in the law, and thus the law could be used against other groups as well). The discussion made clear that the anti-cult activists in the senate are unhappy about a number of legal decisions "favorable to cults" and would like to offer the government a way to bypass the judiciary.

Article 1 allows the government to dissolve organizations and groups that have been found guilty at least twice of a variety of criminal offenses and are "regarded as a trouble for public order or a major danger for human personality." The senate discussion made clear that both the "trouble for public order" and the "danger for human personality" refer to the criteria for identifying "dangerous cults" in the 1996 report (where mind control had a key role), and that the list of "dangerous cults" in that report will be an important point of reference. Article 2 takes care of the fact that in recent cases (involving, particularly, the Church of Scientology) certain leaders or members of the movement but not the movement per se were found guilty of particular wrongdoings. Under Article 2, organizations and movements may now be found guilty of a number of crimes as corporate bodies. Even if this does not happen, the second part of Article 1 allows the dissolution and ban of groups "dangerous for human personality" whose managers or "de facto leaders" have been found guilty, at least twice, of the same crimes. Special provisions make it particularly fit for a ban the fact of having been found guilty of breaches of the Public Health Code, and this (as the printed discussion clarifies) is aimed at groups practicing, in a way regarded as hazardous to public health, faith healing or other alternatives to orthodox medicine. Finally, Article 3 amends the 1901 law on the associations, increasing to three years of jail and a fine of F 300,000 the penalty for those who try to reconstitute a banned association under another name.

As a member of the senate (Mr. Foucaud) observed, the law of 1936 "was used by the [pro-Nazi] Vichy regime" and "left-wing movements were banned." He also observed that the reference to at least two criminal verdicts against a movement for an enormous variety of crimes and wrongdoings may have paradoxical effects: "a movement may be dissolved because a leader has been found twice guilty of writing bad checks for 10 dollars" (*Lutte contre les sectes* 1999: column 40). Nevertheless, all the senators voted unanimously in favor of the draft law. In fact, mind control and brainwashing would again play a key role since not all movements whose leaders have been found guilty of criminal offenses would be banned, but only those accused of being "dangerous for human personality."

Approval by the lower chamber, the National Assembly, was needed after the senate's unanimous vote. The senators had noted that the problem for France is the international situation, and the U.S. Department of State, "which includes Scientologists" (*Lutte contre les sectes* 1999: column 35) was singled out for its activities on behalf of religious liberty. In fact, the French government itself appeared to be quite concerned about possible international consequences if the About act was passed, and delayed a vote in the assembly because of such concerns, until the new Picard draft law, in fact superseding the About draft, was introduced.

The Picard Draft Law in France (2000)

A new French anti-cult draft law dated May 30, 2000 and unveiled on June 6, 2000 was authored by MP Ms Catherine Picard and signed by all French Socialist Members of the National

Assembly. It was approved by the Commission of Law of the Assembly on June 14, 2000 and was passed unanimously on June 22 in the National Assembly. This extremely rapid handling of such a controversial measure is itself a sign of how strongly some elements of French government feel about nontraditional religious groups. At the time of this writing, the law, after several amendments, awaits final approval to become effective.⁸

The Socialist Party is the party of France's Prime Minister. The National Assembly, if anything, made the draft law worse by changing the perimeter from a school, hospital, or similar location where "cults" cannot operate from 100 to 200 meters (making it impossible for such groups to operate almost everywhere), allowing cities to deny building permissions to so-called cults and allowing private anti-cult organizations to promote and become parties in court cases against them. These amendments were approved against the opinion of the government itself, and elicited strong reactions by human rights organizations and the mainline churches (Catholic and Protestant). As a result, Justice Minister Elizabeth Guigou called for a "pause" and a reexamination before the law is approved by the senate.

The draft law originally contained 11 articles, derived in part from several former proposals, including the one by Senator About. The main features of the draft law were as follows:

1. Article 1 provides for the dissolution of a corporation or association whose activities have "the goal or effect to create or to exploit the state of mental or physical dependence of people who are participating in its activities" and that infringe "human rights and fundamental liberties," when this association, or its managers (or de facto managers) have been convicted "several times" (how many times is not specified) for offenses such as fraud, illegal practice of medicine, and several other criminal offenses. The introduction makes it clear that this combination of mind control, infringement of "human rights," and "several" criminal convictions is the definition of a "sect" or "cult" now regarded as legally workable. The procedure of dissolution is judicial and can be introduced before a civil court by the local prosecutor or by any person who has an interest in the matter (including, apparently, anti-cultists).
2. Articles 2 to 5 create corporate criminal liability for corporations or associations falling under Article 1 in cases where only personal liability existed.
3. Article 6 lays out the punishment for any person who participates in the reconstitution of a corporation or association that has been dissolved—a three-year prison term and a F 300,000 fine. Article 7 calls for the renewed dissolution of an association that has been reestablished after a first dissolution.
4. Article 8 forbids the setting up of any offices, seat, church, advertisement, or advertising activity by sects (i.e., the associations and groups defined under Article 1) within the perimeter of 200 meters (as amended by the assembly) from a hospital, a retirement house, a public or private institution of prevention, curing, or caring, or any school for 2- to 18-year-old students. If this interdiction is violated, the sentence is two years' imprisonment and a fine of F 200,000, and the corporation or association can be condemned itself. Cults or sects (as defined above) may also be denied building permissions or licenses by cities.
5. Article 9 punishes any promotion or propaganda by an association or group falling under Article 1 "intended for young people" (age not defined) under penalty of a F 50,000 fine, applicable to both individuals and associations.
6. Article 10 establishes the new crime of mental manipulation. "Mental manipulation" (in fact "brainwashing," although this term is not used) is defined as any activity or activities "with the goal or the effect to create or to exploit the state of mental or physical dependence of people who are participating in the group's activities and to infringe human rights and fundamental liberties; to exert repeated pressures in order to create or exploit this state of dependence and to drive the person, against its will or not, to an act or an abstention which is heavily prejudicial to her." The penalty is two years' imprisonment and a fine of F 200,000, but if the victim is particularly weak due to age, illness, etc., the penalty is five years' imprisonment and F 500,000 fine. Following the amendments by the assembly, court cases may be brought

by anti-cult organizations, which can participate as parties to a case and may collect damages from the so-called cults. Penalties will apply to associations as well as to individuals.

This last provision caused widespread protest by human rights organizations, mainline churches, and the judiciary. As a result, in January 2001 the government suggested that creating an offense of mental manipulation was not appropriate, and the same results may be obtained through an extension of the existing Section 313-4 of the Penal Code repressing "the deceitful abuse of a state of ignorance or a situation of weakness." In a new text, both the offense and the term of "mental manipulation" disappeared, and Section 313-4 was amended to include the notion of a "state of subjection," either psychological or physical, caused by "the exercise of serious and repeated pressures or techniques aimed at altering the capacity of judgment" (a formulation that repeats, word for word, the formula used in the previous draft bill to define the offense of mental manipulation). A second paragraph added to the section would make punishment of the offense heavier, up to five years of detention and a fine of 5 million francs when the crimes are committed "by a de facto or legal leader" of a "*secte*."

Canton of Geneva Report on Brainwashing

At a conference held on November 25, 1999, the Canton of Geneva unveiled a "Report on Mind Control of the Criminal Law Commission on Cultic Abuses" (*Rapport de la Commission pénale sur les dérives sectaires sur la question de la manipulation mentale* 1999). The Criminal Law Commission on Cultic Abuses follows the above-mentioned Canton of Geneva 1997 report on cults and is the brainchild of a local politician, Mr. Gérard Ramseyer.

The report starts by stating that cultic mind control "is a reality," mentioning as evidence "former members and parents of current members heard as witnesses by the Commission" (p. 2). It goes on to present an outline of the issue of mind control (the term "brainwashing" is not used) in comparative law. Although a Ms. Sophie Borguignon, Assistant Professor of Law at the University of Geneva and a member of the Commission, is praised for her "serious homework" in this field, the results are not particularly impressive. Concerning the U.S. situation, the report claims that *Molko* (a well-known Californian decision of 1988 involving the Unification Church) "governs this matter" (p. 5), and no mention whatsoever is made of the post-*Molko* debate, particularly of the exclusion of witnesses on brainwashing and mind control by U.S. judges starting in the *Fishman* case (1990).⁹ An article by Richardson (1996a), in fact extremely critical of brainwashing claims in general, is quoted only in order to note that brainwashing defenses raised by deprogrammers "have often (although not systematically) been regarded with favor by US courts, so that deprogrammers have been acquitted" (p. 4). No mention is made of a number of U.S. decisions regarding deprogramming as a criminal activity. In fact, the report claims that "deprogramming is a form of therapy whose aim is an attempt to counter the mind control imposed on the member and to restore his or her free will. In fact, the deprogrammer tries to call into question the trust relationship between the member and the cult, showing that in fact he or she has been conned" (p. 4). The Italian Constitutional Court decision of 1981 striking the provision on *plagio* (brainwashing), dating back to the fascist regime, out of the Italian Criminal Code as incompatible with a democratic constitution is explained away with the argument that it was based on the vague character of the statute, ignoring that the Italian court said in 1981 that any anti-brainwashing statute can only be vague, since there is no accepted definition of brainwashing in general. The report also mentions attempts to reintroduce a *plagio* statute in Italy, failing however to explain that, so far, these attempts have consistently failed.

The second half of the report deals with Swiss law. It examines how existing provisions on fraud, consumer protection, theft, and (in case of use of mind control to persuade the member to have a sexual relation with a leader) rape may be used against mind control, and it is suggested that Swiss judges apply these provisions in a broader way. The Commission thinks, however, that this is not enough, and proposes a new article of the Criminal Code (art. 182) as follows:

Whoever has carried out physical or psychological actions in a repeated and systematic way, aimed at impairing the capacity of another person to make autonomous judgments, or at placing this other person in a state of dependency, will be punished with a jail term and a fine. (p. 12)

The examples offered by the Commission as guidelines are not reassuring as far as the apparent vagueness of the provision is concerned:

This process includes, but is not limited to:

- magnifying the possibility of the member to be suggestionized or fascinated by a special diet, excessive repetition of routine activities or rituals, sleep deprivation, participation to lengthy sessions where the tenets of the group are learned;

- controlling the environment of the member (isolation from family and friends, filtering the information coming from the outside society . . .);

- controlling forms of communication (imposing the use of a coded language, excluding certain subject matters from discussion . . .);

- excessive social control within the movement, exposure of the member to an intense humiliation should he or she deviate from the tenets of the group. (p. 15)

It is also stated that “since the controlled member will rarely take the initiative of filing a criminal case, district attorneys should be free to act even without a previous complaint” (p. 15). It is unclear, at the time of this writing, whether this report will have any practical consequence at the cantonal or federal level in Switzerland.

Type II Reports

As indicated, there are several Type II reports that are not so slanted against minority religious groups. While these reports are more balanced, and do consider scholarly research, we will show that all but one still incorporates in important ways essential ideas from the brainwashing/mind control tradition, even if this usage is more subtle.

Swedish Report

The Swedish report is surprising because it makes overt criticisms of actions of other European governments toward newer religions. It is particularly critical of France and Belgium, saying that “some countries can be said, somewhat exaggeratedly, to have declared war on the new religious movements,” which can only lead to more isolation for such groups.¹⁰ The report also stresses the right of adults to believe what they choose and express their beliefs. And, the report claims as well that “the great majority of members of new religious movements derive positive experience from their membership.”

In chapter seven of the Swedish report, which deals with legal perspectives, there is a lengthy discussion of the fact that Swedish laws cover virtually any kind of activity that might be harmful to society or to individual members. However, the section then closes with the following recommendation, presented in the official English summary of the report:

The Commission comes to the conclusion that the protective needs of the individual are relatively well-provided for in the majority of cases. But legislation affords insufficient protection with regard to what in the Commission's report is termed “improper influence” or manipulation. Introduction of the term “improper influence” in the legislation would benefit both serious practitioners of religion and personal integrity. If a person is induced, against his will, to renounce his faith (the term “deprogramming” was formerly applied), this, according to the legislation proposed, can be deemed improper influence, just as manipulations of an individual in a religious movement can be regarded as improper influences. The Commission therefore proposes that the Penal Code be amended to include a new penal provision making improper influence a punishable offense. (§8)

Although the report uses an example of deprogramming to illustrate improper influence, the purview of the new proposed law would also cover “manipulations of an individual in a religious

movement.” This suggests some concern about recruitment and retention practices, as well as an implicit acceptance of the idea that a person’s will and judgment can be overcome by religious groups. Thus, it appears that even with all the positive things that can be said about the balance of the Swedish report, it has as an underlying theme ideas related to brainwashing notions imported from the United States. Those ideas include passivity and weakness on the part of potential recruits and members. Implicitly, the idea of improper influence, when used in reference to normal adults (even young ones), seems a rejection of their volitional nature, which might be involved in a decision to experiment with a newer religion.¹¹

Swiss Report on Scientology

A report specifically on Scientology, but with attention to the general topic of sects, was commissioned by the State Security Advisory Committee in Switzerland. This report, although critical of Scientology, is perhaps the most balanced of all the recent governmental reports on new religions in that it is quite factual and considers seriously work by scholars in this area of study. The report does not adopt the anti-cult ideology that pervades Type I reports and some Type II ones.¹²

The report recounts the restrained approach to new religious phenomena by most governmental entities in Switzerland, a point to which we will return. The report also recommends some actions by governmental authorities, such as the need for an “observation center” on new religions at a higher education institution that would produce factual and independent information about such phenomena for use by the public and governmental authorities. The report specifically does not recommend that Scientology (or any other group) be put under surveillance, and it states that existing laws are adequate to give the state opportunity to oppose any injurious activity by sects.

Of particular interest, the report makes no use at all of brainwashing and mind control concepts. Indeed, the topic of recruitment is given short shrift in the report, and there is an implied assumption common to much scholarly literature on new religions that people join these groups because they want to, not because of some sort of mystical psychotechnology such as brainwashing. Thus, this report represents an exception to the usual finding that brainwashing concepts undergird even Type II reports. But, as will be shown, this report is not the “last word” on cults and sects by Swiss authorities.

German Enquete Commission

The German Bundestag established a much-publicized Enquete Commission to inquire into “So-Called Cults and Psycho Groups” in May 1996,¹³ which held many meetings and even traveled to the United States before issuing a final report. (A preliminary report had evoked some controversy and criticism.) The final report, issued in May 1998, was surprisingly moderate in its tone in some sections (but not in all, see Besier and Scheuch 1999), and included statements that the new religions (with some exceptions) were not harmful to society, and that they did not constitute the serious problem that had been originally thought. However, the report also included a substantial minority report filed by some commission members expressing concern about anti-cult oriented portions of the report, and their recommendations, which would exert considerable control over minority faiths (see Seiwert 1999).

Despite the generally more positive and scholarly informed portions of the report, it contains some assumptions and claims about recruitment processes indicating that the influence of scholarly research and criticisms of earlier official reports was not fully accepted. The report does say (p. 141 of the English translation) there are some problems with earlier-accepted models of conversion through brainwashing, and that conversion was usually an act of free will (Introvigne was among those who testified before the Commission on this issue). However, there are places in the report where the earlier theories still are accepted, even if more quietly or implicitly. It is

clear that new religions are viewed as sinister forces to be observed, studied, and generally kept track of if the government is to properly care for its citizens.

This approach derives, it has been noticed (Besier and Scheuch 1999), from the German government's tendency to assume a duty to protect the individual against exploitation and harm, or more boldly put, to protect the individual from himself or herself, as the individual makes spiritual decisions. Such a perspective leads rather logically to some innovative approaches taken by the German report, as will be discussed.

There is some direct evidence for the conclusion that the state accepts theories of recruitment that are negatively defined, as revealed through an examination of the topics covered in the lengthy report, especially the portion devoted to recruitment.¹⁴ Five pages (74–78) are devoted to a discussion of “enlistment and recruitment strategies,” and 18 pages (140–57) to “forms of social control and psychological destabilisation.” For example, the following comment is made about “psychological dependence,” a term used in a disparaging way within the report:

As a working concept, “psychological dependency” is proposed for the state of affairs where an individual has formed an unusually strong and unusually exclusive bond, notably or even predominantly driven by anxiety, with a community which on grounds of religion or ideology exerts an extensive or even exclusive influence on the general orientation and everyday life of its members. (p. 147)

This definition makes it clear that the Commission does not look positively on religious groups that exercise a strong influence on their members. The Commission does offer a caveat when it says:

It should be noted that there is an implicit cultural judgement in the identification of dependency in these terms, i.e. the notion that the observed bond is inappropriately strong, that it is harmful for the persons concerned and that it can be misused for immoral purposes. (p. 147)

The Commission's recommendations leave little room for doubt that most on the Commission viewed new religious groups negatively, no matter the conclusions drawn in parts of the report about the relatively benign nature of most such groups. Most Commission members wanted the groups to be studied, and wanted to have the government fund private advisory and information offices to help keep tabs on new religious and “psychogroups.” “International cooperation” was called for to assist in finding out more about the groups, as well.

The concept of “milieu control” used by anti-cult activist Steve Hassan is discussed but criticized as too broad:

[T]he milieu control identified by Hassan, consisting of behavioural control, mental control, emotional control and information control cannot, in every case and as a matter of principle, be characterised as “manipulative.” Control of these areas of action is an inevitable component of social interaction in a group or community. The social control that is always associated with intense commitment to a group must therefore be clearly distinguished from the exertion of intentional, methodical influence for the express purpose of manipulation. (p. 150)

The report also recognized that “in this area it is not possible (except in extreme cases) to identify cause-effect relationships independently of the biography, the personality and the social situation of the candidate” (p. 151). While “the concept of psychological dependency as a so-called inner fact cannot as a rule be used as a criterion for justifying action by the authorities” (p. 154), the report states that the distinction between what takes place in most social organizations and “planned and purposeful methods of manipulation [which] do at least tend to run counter to the basic values of our social order is possible” (p. 151). For instance, having heard as a witness Canadian sociologist Stephen Kent (a well-known critic of Scientology and other movements), the Commission was persuaded that “prolonged sensory deprivation alone can produce acute psychological disorders

(hallucinations) and make the victim receptive to indoctrination ('brainwashing')" (p. 150). Here, as elsewhere, it seems that at least one movement, Scientology, is regarded as so dangerous that even a recommended caution in the report not to use the word "brainwashing" is abandoned.

Throughout the majority of the report there is a "consumer protection" model operating. The government is assuming that it has the right and obligation to protect potential recruits from participating in "problematic groups." One could even say that the Commission has shown a rather sophisticated, if punitive, approach to the problem of regulating newer religious groups. It has linked religious groups with "psychogroups," which are definitely not considered religious. It has called for more scientific research on such groups (although it ignored much such research as it drew up the report). Then it proposes a consumer protection approach that has the effect of furnishing some basis for also regulating religious groups. And, all this is done in the name of protecting the citizenry, so who can possibly complain? All this is done despite explicit statements made in the report that the new religious groups are not a threat to democratic society. Plainly such a position is based upon the view that the groups are sinister, and that they do recruit and retain members in unacceptable ways.

It is noteworthy that this "consumer protection" model, which has also been tried in the United States (see Richardson 1986), has become influential in other official fora in Europe, such as the Berger report to the European Parliament.¹⁵ Martin Kriele says of this approach in the Enquete Commission Report (1998:13):

The recommendation made to the Federal Council to make a law regulating the commercial assistance for mastering life, is incomprehensible. This draft law emanates from the all-inclusive suspicion that those offering such services are not reliable, are mysterious, and work with manipulative techniques and the consumers have to be especially protected.

Italian Police Report

This is a police report prepared for internal use by police and intelligence agencies. It does access considerable scholarly work, and indeed made use of the CESNUR library on new and minority religions. However, the report also contains some blatant mistakes in its discussions of some groups, most notably The Family/The Children of God.

Chapter three of the Italian police report does contain a discussion of brainwashing and mind control (pp. 10–11), and offers in a footnote a standard anti-cult oriented reconstruction of the brainwashing process allegedly used by new religions. The footnote discusses three major processes that are supposedly involved in recruiting and maintaining members. These include isolation, indoctrination, and maintenance.

- *Isolation* includes a number of elements such as the elimination of family life; "love bombing" to reinforce the sense of belonging to the group; elimination of privacy; and total obligation of one's wealth to the group, causing financial dependence on the group.
- *Indoctrination* includes constant attendance at very difficult lectures; absolute obedience; conformity to specific dress codes; a sense of mystery and participation in an insoluble design; and use of repetitive formulas that ridicule the critical senses.
- *Maintenance* includes continuous mental impregnation and deprivation of sleep designed to induce a state of dependence; depersonalization by eliminating personal initiative; constant psychological pressure by other members to prevent self-doubt; and the use of a cryptic language that makes communication with the outside world difficult.

There is also in the report a discussion of *plagio*, a term close to what some mean by brainwashing, and that used to be referred to in section 603 of the Italian Criminal Code. However, the report correctly notes that the offense was declared unconstitutional in 1981 and is no longer part of Italian law. This point notwithstanding, there are several uses of the term later in the report, with claims that members of certain groups are "submitted to *plagio*" (p. 89).

There is also on page 10 a concern about recruiting techniques. The report decries:

the use, in order to recruit new candidates and maintain them in the fold of subliminal mechanisms of fascination and of brainwashing or similar methods to limit the liberty of self-determination of the individual.

Further, the report talks of indoctrinating the adept by using “scientific methods to decrease the psychical defense of the individual, and to induce a critical level of total obedience.” At another place the report says that “‘mental conditioning’ . . . should not be prosecuted unless it can be demonstrated that techniques of suggestion and hypnosis have been used . . .”

It is clear that brainwashing notions serve as an underpinning of this report, even though the report contains some thoughtful and informed portions. Thus, such underlying ideas have survived the infusion of other scholarship into the report. Why this has occurred remains to be seen.

Swiss Canton of Ticino Report

This report from the Canton of Ticino in Switzerland also shows the apparent influence of criticism by scholars of some earlier reports. Indeed, it even mentions (p. 17) possible problems with “anti-cult terrorism” against newer faiths, which suggests a different approach in this report. However, again we see clear signs that brainwashing themes are accepted by the report’s writers. We also see evidence of possible cross-fertilization between this report and the Italian police report referred to earlier.

The report’s section on “How People Join” is replete with language indicating acceptance of the mind control/brainwashing perspective. Readers are told (p. 22) that the “dangers are numerous and treacherous” for youths who are targeted by the cults. The process of joining the Solar Temple is described as “seduction exerted on the public . . . by means of a manipulative process . . .” Of participants, we are told that “their vulnerability and sense of not being loved are exploited.” A footnote likens the relationship of participant and leader to that of the sado-masochistic relation.

There is discussion of “affectivity bombing” (p. 23), which seems a reference to the term “love bombing,” which some apply to recruitment techniques of the Unification Church where the group goes about “providing him with an image of happy and comfortable people who intend to help those who have problems.” We are told that the recruitment process becomes “more and more exacting both psychologically and financially.” Recruits then approach a “slippery cliff, which will bring about a breaking point.” The report says that “at times the group will threaten his family in order to put a stop to efforts to lure the adept away from the sect.”

Even the use of hypnosis and chemical methods can be instrumental in eliciting total submission.

[P]rogressive isolation is what has increasingly victimized subject and immunized him against external influences and made him utterly dependent on this new reality. In the group privacy is dismantled . . . and a collective self replaces the individual self. (p. 24)

Another footnote discussing the Unification Church methods claims that “A ‘godfather’ who will be in charge of this person full-time progressively begins the brainwashing process.” There is also discussion of a “series of activities” that are “prolonged and tiring” including mentally. Here is mentioned the example of learning lengthy prayers. The report adds that a demanding routine allows little sleep because of the “intricate rules imposed.” All this:

undermines personal responsibility, . . . which is particularly appealing to people who are psychologically easy to manipulate because they feel relieved of their burden of responsibility.

The group uses “a reproachful attitude” for those who deviate from the norms of the group. The recruit is asked to “make a confession.” Thus the group causes him to:

create in himself a huge sense of guilt which will be later used to increase his psychological dependence: this is *programming*. Identity has been practically transformed. (p. 25)

After this process, we are told, "it is almost impossible for him to leave the group The *submission is complete*." We are also informed that Michele Del Re, an Italian law professor who heads an anti-cult organization, states that:

the technique of subjugation within destructive cults has nothing original to offer. It is in fact the very same technique born at the beginning of the post-war period in Chinese prisons and which was also developed in Korea and in Bulgaria, where political prisoners were used as guinea pigs for mental conditioning.

The report claims that this technique has three major steps (recall the Italian police report), including (1) isolation of the person; (2) indoctrination of the person; and (3) keeping the person in a state of absolute dependence. A summary paragraph concludes:

The negative consequences can be summarized in the loss of social contact, breaking of existing relationships, transformation of personality, mental dependence, material submission, even culminating in physical consequences of being deprived of a balanced diet, sleep deprivation, or neglect of medical needs.

Then, just to remind the reader that something sinister is happening, another summary list of the principle techniques used in luring people to join is given (p. 26). These include "love bombing," "isolation," "repetition," and "sleep deprivation," all of which are described in some detail.

The report closes with a familiar litany of what should be done about the menace of sects and cults. The report offers (p. 34) recommendations, including,

it is necessary to intervene before the damage is made and to punish whoever may use chemical, or psychological methods in order to dominate another. One might then imagine that psychical violence might be prosecuted as a crime.

The report adds:

One could certainly hypothesize a law that would punish the acts which tend to destabilize the person, that is, those behaviors that are not punishable in themselves but that are punishable when they exist in combination. This would allow intervening to a marked degree while the process of destabilizing the individual is in progress, rather than waiting for the damage to be actualized.

The report admits that there may be "difficulty of proof" since there are often no witnesses to the actions of the "suspected criminal who affirms that the supposed victim was fully consenting." This set of recommendations is chilling to read, and plainly would be problematic to implement. They demonstrate that some in the Canton of Ticino fully accept the brainwashing myth and are willing to take drastic actions based on that acceptance.

Swiss National Council Report on Cults

On July 1, 1999, the Commission of the Management of the Swiss National Council (the Federal Parliament) produced a report to guide public policy in the area of new religious groups, apparently in response to some other reports done by governmental entities in Switzerland, particularly the more balanced one dealing with Scientology discussed earlier.¹⁶ This report is generally mindful of scholarly studies of new religions, although it does not accept scholarly views completely. Of particular interest is the creative, if problematic, method used to address the issue of recruitment and maintenance of participation in new religions.

The report does not use the term “brainwashing” at all, in apparent recognition of the disrepute of that term in scholarly circles. However, the report does talk at length about “indoctrinating movements” (*mouvements endoctrinants*), and states that this is the “key element” to observe in movements with possible “cultic” features (p. 24). The report admits that indoctrination is part of a continuum between acceptable forms of influence and undue pressure, and that it is not easy to define for legal purposes. However, it goes on to say (paragraph 435) that “The most notable feature of indoctrinating groups is the limitation of self-determination to the point of eradication of autonomy.” The report also notes how difficult it is to measure such manipulation processes from the outside; because some of the process is internal to the recruit, it is hard to prove that deception was used.

In cases of “alteration or suppression of free will” (p. 36), the state should protect individuals against the “indoctrinating movement.” Of special concern to the Council are children and those who may believe in pseudo-therapeutic “miracle cures” proposed by some movements. One quote will demonstrate potential implications of the assumptions concerning so-called indoctrinating groups.

Since not only civil and criminal legislation, but democracy as well rest on the axiom of responsible self-determination, no rightful State, no matter how liberal, can witness without reaction the actions of indoctrinating groups that systematically annul individual autonomy. (paragraph 445)

The Swiss report does not, however, recommend any new federal legislation, and the proposal in the Canton of Geneva report to legislate against mind control (discussed earlier) is called “pre-mature” at the federal level.¹⁷ The report does adopt a consumer protection model, and states that there might need to be some additional regulation making it easier to apply consumer protection statutes to “for-profit spiritual assistance” (p. 51). The report also recommends establishing a federal service for information on new groups, and states that it should not be biased.

Thus, the Federal Swiss Parliament’s report is more moderate and recognizes that there are differences of opinion in this area. There is little regurgitation of anti-cult rhetoric within the report, as was seen in the reports from Belgium and France. However, it is easy to discern brainwashing and mind control ideas lurking within the discussion of so-called indoctrinating groups, and these help drive the policy recommendation for new regulations of a consumer protection variety.

On June 29, 2000, the Swiss government published a response to the report, praising the Commission’s efforts but rejecting all its main proposals. The Swiss government concluded that no special laws were appropriate, and that it is not the province of the federal state to create watchdog institutions to observe “cults.” To a limited extent, the government may support private nonpartisan efforts (such as the Observatory created at the University of Lausanne, see *Conseil fédéral* 2000). Thus it may be the case that implicit brainwashing theories in the parliamentary report have not carried the day in Switzerland.

Council of Europe Report on Sects and Cults

In 1999, the Council of Europe adopted a compromise document entitled, “Illegal Activities of Sects” (Doc. 8373, June 22, 1999) that is within the ambit of a Type II report. The report was the result of much discussion, and represents the views of various parties, which means that the document has important internal contradictions. It makes strong statements in favor of religious freedom and pluralism, and against referring to religious groups with the “extremely pejorative” term sect (p. 4), but also makes some recommendations that derive from concern about “religious, esoteric, or spiritual groups,” as they are referred to in the report.

The report does not recommend restrictive legislation, and mentions more than once that the state should stay neutral in matters religious. The report does call for establishment of information centers, including regional ones, to aid in dissemination of information on the groups. The

report justifies itself in this regard in two ways: that “the number of people joining sects is rising constantly,” and because of “the establishment of sects in central and eastern Europe” (p. 3). This concern about central and eastern Europe pervades the report, with recommendations being made that aid packages for those countries include money for information centers on sects, and so forth.

Of special interest is the concern expressed about recruitment and socialization of members. There are various conceptualizations related to brainwashing in the report, including some that use the term brainwashing explicitly. For instance, the reports says:

The assembly attaches great importance to protecting those most vulnerable, and particularly the children of members of religious, esoteric or spiritual groups, in case of ill-treatment, rape, neglect, indoctrination by brainwashing (p. 2)

The term brainwashing is also mentioned in the report in a discussion (p. 6) of the well-known *Kokkinakis* case in the European Court of Human Rights, which was decided in 1993 as the first violation of article 9 of the European Commission of Human Rights. As Richardson (1995b, 1996a) pointed out, both the majority and minority opinions in that case (which was decided on a vote of 6–3 in favor of Jehovah’s Witnesses right to proselytize in Greece) make use of the term brainwashing as if it is a well-understood concept within legal and scholarly contexts. The report uses statements from this judgment to indicate that some proselytizing is unacceptable because it might entail “the use of violence or brainwashing” (p. 6).

The following statement appears in the conclusion of the report (p. 9): “It would be necessary to reflect upon the legal consequences of the indoctrination of sect members, often called ‘mental manipulation.’” This somewhat ambiguous statement seems to suggest that groups engaging in “mental manipulation” should suffer some legal consequences, but the report is not clear on how such groups are to be identified.

So, again we see an official report of an interparliamentary entity in Europe assuming that something called “brainwashing” is a reality, even if several different terms are used to refer to this process. And again, we see this assumption used as a justification for policy decisions, such as the establishment of information centers and the international exchange of information on the groups in question, not to mention the notion of “legal consequences” for mental manipulation.

CONCLUSIONS

It is clear from reviewing these reports that the American cultural product of ideas about brainwashing and mind control is alive and well in Europe, and that those ideas have helped promote the moral panic in some European countries over cults and sects. Cultural diffusion has, regrettably in this case, been relatively successful, but it has also been limited and narrow. The thorough critique of such ideas that has been done by scholars both from the United States and other countries (including European ones) is usually missing from the package (see, for example, Barker 1984, 1989; Robbins and Anthony 1982; Anthony 1990, 1996; Anthony and Robbins 1995; James 1986; Richardson 1985, 1991, 1993, 1996a). Thus we see the raw ideas of brainwashing and related concepts included in both Type I and Type II reports (with the exception of the Swiss report on Scientology), and such ideas appear to be driving policy recommendations in some European countries, even including those that claim that the new religions are not a threat and that religious freedom and pluralism are valued.

Why brainwashing notions have been so readily adopted in the European context needs further analysis. One could say this has occurred because of the tendency to accept the word of apostates when claims are made and accounts offered about what happened to them when they joined newer religions. Those claims and accounts are apparently more culturally coherent if use is made of concepts such as brainwashing, mind control, or related terms, as Introvigne (2000) notes (see also Richardson, van der Lans, and Derks 1986; Bromley 1988, 1998).

However, the tendency to blame apostate accounts for widespread use of such ideas begs the question of why in some European countries those particular accounts are valued above others, including scholarly research-based claims that brainwashing as it is popularly understood does not occur. Those trying to understand the resiliency of brainwashing-based arguments will be forced to examine, among other things, the social constructionist question of who gains when such arguments are accepted and moral panics ensue.

For instance, it is clear that traditional churches gain (at least in the short run) if such notions are accepted as a basis for policy because competition for membership is stifled. Also, cultural conservatives gain if cultural innovations are stymied through the use of such rhetoric. Cultural liberals may also support anti-cult uses of brainwashing ideas if they are anti-American, and if they view cults and sects as archconservative and reactionary (as is often the case in present-day France). Politicians may, in turn, adopt brainwashing ideas as part of their rhetoric because it fits their purpose of wanting to appear to rebuild or defend the cultural integrity of a society as they seek to gain and retain political power. Media representatives may make use of brainwashing theories if only because they make for a good story, which also happens to sell copies. Those opposed to religion in general also may promote the idea that cults and sects are a threat with their alleged use of brainwashing arguments because it furthers a general anti-religion agenda.

In France, the first European country to develop such anti-cult oriented reports to guide governmental policies, the state has had a tradition of supporting secular humanism dating back to the French Revolution. At the Supplemental Meeting on Freedom of Religion held by the Organization for Security and Cooperation in Europe (OSCE) in Vienna on March 22, 1999, answering criticisms in the OSCE reports introducing the discussion on religious pluralism (one of which was presented by Introvigne), the secretary of the French Mission to Fight Cults, Mr. Denis Barthélemy, explained the French position in a particularly interesting way. He said that “religious liberty” and “freedom of belief” are different concepts, and may indeed conflict. “Religious liberty” (a “collective liberty” for churches and movements) may be limited for the sake of “freedom of belief,” the “individual liberty” of thinking and believing without “constraints” external to the individual conscience. This is an argument typical of French secular humanism, and was used in 19th and early 20th century France in order to disband a number of Catholic religious orders, and to compel monks and nuns to abandon their convents against their will. France will protect against “constraints” to the formation of their individual “belief,” Mr. Barthélemy concluded, not only children but also “adults in need of protection” (Barthélemy 1999).

Protecting individuals against groups may look like a legitimate option within the framework of a general acceptance of personal freedom. However, Mr. Barthélemy’s speech implies that the individual citizen’s freedom of forming one’s belief “freely” shall be protected if necessary *against this citizen’s wish*, precisely because—being subject to brainwashing or mind control—he or she merely *thinks* he or she has accepted a belief “freely” when such is in fact not the case. The ostensibly liberal reference to “freedom of belief” in fact hides the quintessentially reactionary presupposition that the government knows better than its adult citizens “in need of protection” where their real freedom and best interests lie.

The confluence of the various interests we mentioned in the listing of those sharing a common interest in exerting social control over sects and cults is well illustrated in the French situation, as well as in most of the other countries discussed herein. Such a confluence of interests has contributed to a widespread acceptance of brainwashing theories, particularly in some societies.¹⁸ In the United States, brainwashing theories are supported only by a minority of academic scholars (and generally, in these few cases, in the form of “neo-brainwashing” models rather than in the “crude” form prevailing in some European reports), but are still often mentioned in media accounts of “cults.” Only if social constructionist ideas are taken seriously will scholars be able to come to some reasonable understanding of why the particular moral panic about cults and sects has occurred, and how the particular cultural diffusion of brainwashing/mind control theories has taken place when and where it has.¹⁹

NOTES

1. The receipt of public funding support for anti-cult efforts is mainly limited to France and Germany. It is also noteworthy that the recent pattern of official anti-cultist activity in Europe is not monolithic. Some countries, such as The Netherlands and the United Kingdom, have not seen the development of a strong anti-cult movement, and some early official reports on new religions, such as the one in The Netherlands, have not been nearly so negative in tenor (Kranenborg 1994; Richardson and van Driel 1994). It is also worth noting that, as one reviewer pointed out, some of these official reports have had little direct impact (others have had considerable impact however, see herein, Fautré 1999; Introvigne 1999b, 2000), and they have not always been determinative in court actions, some of which have been won by minority faiths even in places such as France. This latter situation of court decisions not necessarily following political agendas is an indication of the relative autonomy of the judicial system in some countries, a very important point to note (Richardson 1999a).
2. As one reviewer noted, one major appellate court decision in the United States reversing the trend against brainwashing-based claims could have a significant impact on acceptance of such claims. However, we think this an unlikely occurrence (for why, see Ginsburg and Richardson 1998; Richardson 1991, 1993; Anthony 1990; Anthony and Robbins 1992, 1995).
3. For some consequences of the French reports, see especially Introvigne (1999b, 2000) but also Swantko (1999).
4. The famous *Katz* case from California (*Katz v. Superior Court*, 73 Cal. App. 3d 952, 1977) led to the virtual discontinuance of such applications of conservatorship laws in the United States (see Bromley 1983).
5. We say "some of his ideas" because the typical anti-cult application of Lifton's theories overlooks completely the last chapter of Lifton (1963), which talks of voluntary participation in self-change programs. Lifton notes that many people in Communist China were not forced converts but that they sought out ways to learn about their new society and therefore to fit in better. Later, Lifton himself (1987:211) cautioned not to "use the word *brainwashing* because it has no precise meaning and has been associated with much confusion," and that "thought reform, and totalism in general, are not necessarily illegal, however we may deplore them." Most recently, Lifton (1999:202–13) clarified that, although most "cults" (and a variety of other organizations) use "thought reform," law enforcement should rather focus on the small minority of "world-destroying cults," identified, *inter alia*, by their "ideology of killing to heal, of altruistic murder and altruistic world destruction" and by "the lure of ultimate weapons" See Anthony (1996, 1999) for a more thorough discussion of Lifton's ideas.
6. On March 21, 2000, the Justice Court of Paris found MP Jacques Guyard, president of the parliamentary commission that drafted the 1999 report, guilty of defamation for having called Anthroposophy "a cult" (*secte*) practicing "mental manipulation." Guyard was fined F 20,000 and ordered to pay F 90,000 to the Anthroposophical Federation of Steiner Schools. Guyard's argument was that Anthroposophy was regarded as a cult in the second French parliamentary report (1999), a document covered by parliamentary immunity. The court stated that "the investigation [of that parliamentary report] was not serious. It is proved that it only considered affidavits by alleged 'victims' of Anthroposophy but that neither the authors of these affidavits nor the alleged perpetrators were heard by the [parliamentary] commission." The Paris judges also decided to strip Guyard of his parliamentary immunity in connection with this case (subject to appeal at the time of this writing). Thus at least some French courts seem relatively independent from the anti-cultist agenda illustrated by the reports discussed herein.
7. The Mission to Fight Cults was established after the "Observatory of Cults," which came into being after the first French report, issued in 1998, which was thought by some to be too soft on the cult problem. One criticism was that the Observatory had as president a government officer with no anti-cult background. The Mission is part of the executive branch of government whose members are appointed by the Prime Minister. The president of the Mission is Alain Vivien, who as MP authored a first French report back in the 1980s (see Richardson 1995b), and who is a person with strong views critical of new religions. Vivien is associated with a French anti-cult organization that is humanist and anti-Catholic in orientation; hence there has been some criticism in the Catholic press of his appointment.
8. In an unusual show of concern, Pope John Paul II made some indirectly critical comments on June 10, 2000 when accepting the credentials of the new French Ambassador to the Holy See, Mr. Alain Dejammet. The Pope reminded the new ambassador that, "religious liberty, in the full sense of the term, is the first human right. This means a liberty which is not reduced to the private sphere only. To discriminate religious beliefs, or to discredit one or another form of religious practice is a form of exclusion contrary to the respect of fundamental human values and will eventually destabilize society, where a certain pluralism of thought and action should exist, as well as a benevolent and brotherly attitude. This will necessarily create a climate of tension, intolerance, opposition, and suspicion not conducive to social peace." The Pope also called on "the media to be vigilant and to treat fairly and objectively the different religious denominations [in French, *confessions*]." French authorities immediately responded that "cults and sects" are not *confessions*.
9. See Anthony and Robbins (1992) for discussion of the limited implications of the *Molko* decision (*Molko & Leal v. Holy Spirit Ass'n*, 179 Cal. App. 3d 450, 1986), and Anthony and Robbins (1995) and Richardson (1996c) for discussions of the landmark *Fishman* decision (*United States v. Fishman*, 743 F. Supp. 713, N.D. Cal. 1990).
10. All quotes are taken from the official English language summary of the Swedish report, "In Good Faith" (1998).
11. See Richardson and Kilbourne (1983) for a detailed analysis of the themes in both classical and contemporary uses

- of brainwashing theories. Also see Anthony (1990, 1996, 1999), Robbins and Anthony (1982), James (1986), and Richardson (1991, 1993, 1996a) for assessments of these themes.
12. The report has been roundly criticized by anti-cultists, and its very development was controversial. The report's major author, Jean-Francois Mayer, a well-respected Swiss scholar of new religious phenomena, does not adopt an anti-cultist perspective in his work, and strives for a balanced and factual approach in all his scholarly writing. Mayer, who at the time was an officer and employee of the Swiss Central Office of Defense (Switzerland's security planning agency at the time), was well known because of his research on the Solar Temple prior to, and after, the mass murder/suicides that occurred in 1994. His assistance to law enforcement authorities as the Solar Temple tragedy unfolded was well known. He was asked to prepare a report by the Consultative Commission on State Security, which was a group appointed by the executive branch of the Swiss federal government. See the critical story by a leading Swiss anti-cult journalist, Hugo Stamm (1997a), who also had a critical editorial in the same issue (Stamm 1997b). This attack contributed to concern within the Swiss Parliament, which eventually led to the production of a parliamentary report to be discussed later in this paper.
 13. For a discussion of the controversy over "cults" and "sects" within Germany and the impact this controversy has had on the academic community studying such phenomena, see Hexham and Poewe (1999), as well as Baumann (1998) and Besier and Scheuch (1999).
 14. Some subheadings of topics covered in this portion of the report include: "Forms of Social Control and Psychological Destabilisation," "Levels of Psychological Dependency," "Religious Dependency," "Levels of Social Control and Manipulative Elements," "Potential Dangers," and "Opportunities and Need for Governmental Interventions." The very titles of the subsections reveal a pervasive suspicious posture toward the newer religions.
 15. This report, which was approved by the Committee on Civil and Liberties and Internal Affairs, was submitted to but not voted on by the plenary session of the European Parliament in July 1998. The report was postponed indefinitely, and is no longer pending because of the June 1999 elections, which had the effect of killing all pending proposals. It is available on the CESNUR website <<http://www.cesnur.org/testi/Europe.htm>>.
 16. See note 11, which recounts the controversy engendered by the report on Scientology produced earlier by a commission of the Swiss government.
 17. The first yearly report of the French governmental Mission to Fight Against Cults (MILS 2000) also noted that the proposals for incriminating brainwashing per se are "interesting, but theories of mind control have, in the present status of science, a subjective character making them difficult to be used in a legal scenario."
 18. It is ironic indeed to see Chinese authorities using brainwashing claims as justification for social control of the Falun Gong movement. The brainwashing term was first used by Edward Hunter (1953), a CIA operative, as a way to describe the alleged resocialization techniques of the Chinese Communists after the takeover in mainland China (Richardson and Kilbourne 1983).
 19. Obviously, historical and cultural factors play a role as well, and must be taken into account to help explain the varied pattern of anti-cult sentiment across Europe. Such historical and cultural elements must furnish a contextual background for the operation of the constructionist perspective outlined herein.

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