

INTERNATIONAL RELIGIOUS FREEDOM ROUNDTABLE

Washington, D.C. | Europe

April 2, 2016

Dear Members of the Knesset,

We write as an informal group of organizations and individuals who are scholars, religious leaders, human rights advocates and practitioners to express our deep concern about the Law Proposal for the Handling of Harmful Cults 2015. We understand this Law Proposal has already passed its Preliminary Vote and was referred to the Committee on Law, Constitution and Justice to be processed in preparation for submission to the Knesset for a First Vote.

We are a truly multi-faith group, representing a high degree of diversity. While there is very little we agree on theologically, or politically, we all agree on the importance of religious freedom for all faiths and none. It strengthens cultures and provides the foundation for stable democracies and their components, including civil society, economic growth, and social harmony. As such, it is also the ultimate counter-terrorism weapon, pre-emptively undermining religious extremism.

We are aware of the difficulties Israel faces regarding such religious issues, and it deserves our empathy as such. Yet, we respectfully urge members of the Knesset to reject this Law Proposal for the Handling of Harmful Cults because of threats it poses to the fundamental human rights and freedoms that are formally recognized in the Declaration of the Establishment of the State of Israel and protected by the Basic Law on Human Dignity and Liberty, decisions of the Supreme Court of Israel, international human rights covenants—especially the International Covenant on Civil and Political Rights (ICCPR)—and customary international law.

When evaluated within these legal frameworks, the Law Proposal raises a number of serious problems. Distinguished academic scholars and legal experts from Israel, Europe and the United States have made valid points in voicing great concerns “in view of the manifest violations of the rights of religious organizations, the generalities inherent in the proposed law’s language, and the abuses it would perpetuate in Israeli society.”

Specifically, the issues of concern articulated by these scholars and legal experts are detailed in the bullet points below.

From the Position Paper of the MEIDA Center at the Van Leer Jerusalem Institute:

- The definition (of “Harmful Cult”) relies on the theory of “Mind Control,” which is not accepted in academic research and was rejected by legislative bodies and the supreme courts in Israel and abroad. Moreover, this concept negates the belief in the personal autonomy and responsibility of individuals and their accountability for their actions (the Israeli Supreme Court dealt extensively in the case of the followers of Elior Hen).
- Appointing a custodian to a legal adult who has chosen freely to join a group, even if a harmful one, is a disproportionate violation of individual autonomy, without any proper academic and psychological backing.

- Our position is that the existing laws in the Israeli legal corpus are sufficient, and the new law is unnecessary. The State of Israel has no difficulty in indicting and convicting cult leaders under existing criminal offenses. See, e.g., the convictions of Goel Ratzon (sentenced to thirty years in prison) and D.A. (sentenced to twenty-six years in prison).

From Tel Aviv University Professor Asa Kasher:

- The law proposal is incompatible with the moral and judicial fundamental principles of the State of Israel, both as a Democratic State and as a Jewish State, the Nation-State of the Jewish people.
- Preventing criminal offenses in a religious denomination is not a proper purpose for imposing legal restrictions on the general operation of a religious denomination.

From Patricia Duval, an international human rights attorney in France:

- The European Court of Human Rights, in *Jehovah's Witnesses of Moscow v. Russia* on 10 June 2010, found that “there is no generally accepted and scientific definition of what constitutes ‘mind control’” (§129). The Court noted that, “as long as self-dedication to religious matters is the product of the believer’s independent and free decision and however unhappy his or her family members may be about that decision,” the believers’ rights has to be protected.
- Classifying religious groups into “religions” and “cults” is a violation of international human rights standards, especially the ICCPR. It is impermissible and arbitrary for the government to confer protection on “religions” while denying protection and enacting oppressive measures against “cults.”
- The UN Human Rights Committee elaborated a General Comment 22 to detail what the construction and application of the Article 18 of the ICCPR should be. General Comment 22 finds that freedom of religion is not limited in its application to traditional religions and that any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community, contravenes Article 18 of the ICCPR.

From an open letter to members of the Knesset by a group of distinguished academic scholars from the United States and many other countries:

- Viewed from abroad, what is going on in Israel appears as a curious remake of the “cult wars” that we witnessed decades ago in the United States and Europe. As it happened during the “cult wars” a small number of apostates, who were not typical of the majority of members who left the new religious movements harboring no particular grievance against them, were promoted by the moral entrepreneurs of the anti-cult movement. They were mistaken for typical ex-members and received a disproportionate attention by certain media.
- Those who support the law rely on the experiences of a few disgruntled ex-members. In some cases, less than ten ex-members are regarded as the only reliable sources about groups including thousands of followers.

- Militant anti-cultists have a very limited and partial experience of the groups they criticize based on the anecdotal stories of a few former members, unlike professional scholars who use broader quantitative and qualitative methods and whose works, before being published, are thoroughly reviewed by their peers.

From Dr. H. Newton Maloney, a retired senior professor from the Fuller Theological Seminary in the United States:

- The supporters of this law promote the same theories used by anti-religious deprogrammers to justify kidnapping members of various faiths in the United States (including Jews and Christians as well as new religious movements) and beating them into renouncing their faiths, a criminal practice that has resulted in criminal convictions and multi-million dollar judgments against individuals in the former United States anti-religious movement. By 1987, the American Psychological Association had rejected these theories as unscientific. And even in recent years, two United States Courts (including a Federal Appeals Court) have rejected this spurious theory.
- Thus, in the United States, the “debate” in which the Knesset is now engaged about whether *any* religion “brainwashes” its adherents, was concluded and relegated to historical commentary as an incident of prejudicial hysteria brought on by a quack psychologist.

If Israel adopts this Law Proposal, it will have taken a major step backwards in terms of religious freedom, tolerance and the rights of religious minorities. The Law Proposal should be rejected. Thank you for your consideration.

Respectfully,

ORGANIZATIONS

21st CENTURY WILBERFORCE INITIATIVE (UNITED STATES)

ALL FAITH NETWORK – AFN (UK)

CAPLC-EUROPEAN COORDINATION FOR FREEDOM OF CONSCIENCE (FRANCE)

CHURCH OF SCIENTOLOGY NATIONAL AFFAIRS OFFICE (UNITED STATES)

EUROPEAN FEDERATION FOR FREEDOM OF BELIEF – FOB (ITALY)

EUROPEAN INTERRELIGIOUS FORUM FOR RELIGIOUS FREEDOM – EIFRF

THE GERARD NOODT FOUNDATION (NETHERLANDS)

INTERNATIONAL INSTITUTE FOR RELIGIOUS FREEDOM

RUSSIAN ORTHODOX AUTONOMOUS CHURCH OF AMERICA (UNITED STATES)

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