

CULTS (Religions that Harm?) and DEFINING CHARITIES

A SUBMISSION TO THE AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS COMMISSION'S

CONSULTATION ON DEFINING 'CHARITIES'

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We read with interest and dismay paragraphs 89 and 90 of the Consultation Paper, *A Definition of Charity*. We make the following points:

1. The term, 'cult' is no longer much used in the scholarly study of religions (Hume 1996, Dillon and Richardson 1994). When it is used in a scholarly way, the term 'cult' is used to refer to a religious group that is 'entirely new' rather than a schismatic group which has split from an earlier one (See Clarke 2009:122). In popular parlance the term 'cult' has become a pejorative term (Clarke 2009: 531, Beckford 1985) associated with 'moral panics' about religions in general or a specific group. In its pejorative use, like that in the Consultation Paper, the term lacks specificity, because of the impossibility of defining what it is that distinguishes cults from other religious groups except that someone has decided not to like them, and in their dislike they make claims that certain religious groups are somehow more likely to be injurious to those who join them than other religious groups. Some atheists do say that all religions are injurious in that they involve irrational beliefs. In this context one person's deeply held faith quickly becomes another's cult.

In the pejorative use of the term a cult is simply a religious group, usually small, often of recent origin and vulnerable, that someone has decided they do not like. Those who leave a religious group, any religious group, may tell horror stories about being in it. In so far as these stories have elements of truth, such accusations need to be tested in the courts before being made the basis for social policy. In any case, they are never the whole story. For everyone who leaves there are hundreds who continue to choose to stay, who consider the 'cost' worth paying, who feel enriched and blessed by the group, enabled to live rich and full lives as well as make a contribution to the worlds they live in. Any government instrumentality that is given the mandate to decide which theologies and religious practices constitute harm will quickly find itself asked to make theological judgements as to which set of beliefs are ok and which are not. To this point Australian governments at all levels have refused to do this, rightly claiming incompetence to do so. In so far as other forms of alleged abuse are concerned, existing legislation is adequate to the task.

In short the term 'cult' has become a pejorative term but one that lacks sufficient definitional rigour to be useful in a policy document such as a Definition of Charity.

2. The term 'cult' is also used by those who seek to make certain religious groups illegal. The target groups are usually but not always new to a society (Richardson 2001, 2004). Here the argument is that cults harm their members. Beckford (1985) and Richardson (2004) provide global and local information about these anti-cult activities, their sponsors, and their strategies. While the term 'brainwashing' was once used to describe practices that people did not like in some new religious movements (NRMs is the accepted scholarly term for small, recently founded religious groups), the concept of 'brainwashing' has been thoroughly discredited (Anthony 1990, Richardson 1995, 1999, Richardson and Introvigne 2001). No cases of brainwashing have been documented, and claims made by some to have been brainwashed have been dismissed as attempts by those who joined a group and then left it to explain their joining (Barker 1984).

The French have invented the charge of 'mental manipulation' to challenge the rights of some groups to exist (Beckford 1985: 265). This is about as problematic as 'brainwashing'. Does 'mental manipulation' include the efforts of psychiatrists, counsellors, the efforts of Evangelical Christian to turn gays into heterosexuals, parents raising their children to believe (or for that matter, not to believe), or any training to be a member of a religious, political, or social service group. What about the 'deprogramming' efforts of cult busters? The European Court of Human Rights has rejected several of the French attempts to legislate against certain religious groups because of the discriminatory nature of the legislation – that is the inability to establish clear and agreed criteria by which to distinguish cults from other religious groups.

Consider for a moment a challenge to permitting a Buddhist group charitable status because since it does not believe in God and does not subscribe to that set of beliefs deemed necessary by a particular Christian group to achieve salvation, it is causing eternal damage to the souls of those who follow it or are attracted to it. The development of criteria for assessing religious groups will reflect the beliefs of those defining them – Catholics will judge others according to Catholicism, Calvinists according to Calvin, Atheists according to their lights, Buddhists ... and so on.

If the issue raised in paragraphs 89 and 90 is 'doing damage', then all religious groups should be accountable for what they do and judged by the same standards. Not just the small and vulnerable. For this, no new legislation, or administrative code is required.

3. The Concept Paper indicates the intention to require religious groups to prove that they provide a public good. Proving public good is one thing, however, paragraphs 89 and 90 seem to say that (some?) groups will be required to prove that they are harmless. This is quite another matter. First, why should religious groups that 'cause detriment or harm to their members' be singled out? We would have thought this would be a concern for any and all groups seeking to be listed as charities. But then if the possibility or probability of doing damage becomes a criterion for the exclusion of a group from being a charity, we suppose the Catholic Church need not apply. It has been proven to do damage not only to adults, but to children. The record for other well established religious groups may be less dramatically clear, but the evidence is sufficiently there for warning labels to be applied – 'Association with this group

may be injurious to your health, sense of well-being and self-respect'. But of course that is an unthinkable thought, even in the face of court tested evidence. Why? Because the Catholic Church is a popularly 'accepted' faith in Australia whereas some of the targets of those who would exclude them are small, more recently established and do not yet enjoy popular support. They do in Australia however have the legal status of a 'religion' so long as they meet the criteria set down by the High Court. As such, although small and vulnerable to attack, they should enjoy the same rights to freedom of religion and belief as other larger and better known if not perfect groups.

Second, should harm be proven in one or more cases, as it has for several well known religious groups in Australia and overseas, again the Catholic Church being most notable here, on what criteria will exclusion from the list of 'charities' be made? One offence proven in a court of law? The way paragraphs 89 and 90 are worded there is no distinction made between abuses perpetrated by an individual and abuses perpetrated by an organisation, yet it suggests that entire religions can be characterised as abusive. How so? On what evidence? By what criteria?

There is no independent standard for judging among religions. There are laws already in place to bring abusive persons and groups into line. The attempt to define 'religious abuse', or 'mental manipulation' as bases for the exclusion of 'charitable status' is doomed to failure and the process of attempting to do so may well do much damage. The costs of living in an open and religiously diverse society are much preferred to those of closed and repressive ones.

In short the wording of paragraphs 89 and 90 is such as to make vulnerable some small and unpopular groups while not providing the criteria required to make the judgements implied. Paragraphs 89 and 90 should be dropped as unhelpful. They are unnecessary because if 'harm' is to be an exclusionary clause in the definition of 'Charity', a general rule is required about what kinds of illegal actions, harms, or abuses might lead to loss of Charitable status for ANY group, religious or otherwise.

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