

Sects, New Religious Movements or Religions? A Human Rights Perspective

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Religious pluralism and growing religious diversity are probably among the most important phenomena challenging law-based States and civil societies in the world in the 20th century. These factors have led to an increased separation of religious structures from state control.

Although religious liberty is one of the best indications of the general state of human freedom in any given society, very few secular human rights organisations have been involved either in the process of eliminating those forms of discrimination and intolerance based on religion or belief, or in the development of policies which would safeguard and promote religious freedom. Such an attitude of passivity - even reluctance - can be explained by at least two sets of reasons.

Firstly, some human rights advocates are unwilling to promote conditions which might contribute to the development and geographical growth of religious beliefs which they do not share or which they may even actively oppose on personal grounds. This is one of the fundamental reasons why not only the major world religions but also religious minority groups have occupied this vacuum, even though, in most cases, they have limited their activities to the defence of the rights of their own believers. In some circumstances, we have witnessed the emergence of solidarity movements in major Christian churches, brought together by their shared opposition to a common enemy, for example atheism in communist countries.

Secondly, the complexities of terminology have also discouraged some secular human rights advocates from tackling the issue of religious freedom. Confronted by nebulous and only subtly distinct terms such as religion, new religious group, sect, esoteric movement etc... they find themselves lacking the necessary intellectual tools to clarify even the most basic concepts in this linguistic minefield.

In a recent report about religious persecution in China, Human Rights Watch/ Asia used a very heterogeneous terminology such as "allegedly aberrant and superstitious sects", "religious sects" or "religious groups" and listed a number of sects among which the "Ling Ling religion" and not "Ling Ling sect".

Apart from Human Rights Watch, Amnesty International and the UN Special Rapporteur on religious discrimination and intolerance, Mr Abdelfattah AMOR, very few secular or religious organisations have denounced infringements of religious freedom, regardless of the faith concerned.

Since last year, the European Union's Phare Democracy Programme has been co-financing a project aimed at protecting the rights of individuals belonging to a religious minority in a number of Central European countries. "**Human Rights Without Frontiers**" and the "**Bulgarian Helsinki Committee**" are the initiators of this project which seeks to be both proactive and reactive.

Within this framework, both organizations have had cause to reflect on the issue of terminology as perceived from a human rights perspective and "**Human Rights Without Frontiers**" would like to take the opportunity of this seminar to expose its thoughts on this subject.

The elusive definition of a religion

The concept of religion in the Western world of Judaeo-Christian tradition was never fixed once for all at some definite time in the past, but remained, and still is, in constant evolution. Two examples suffice to show how relative this concept was. In the British courts of the eighteenth century, the term "religion" did not include Judaism but only meant Christianity. In the nineteenth century, peoples other than Christians, Jews or Muslims were supposed "to have no religion". First, the quality label was restricted to Christians and then, in a move of openness, extended to the major world religions.

Beyond these anecdotal examples, it must be stressed that the world of religions is so heterogeneous, changing and evolutionary that modern scholars and international institutions such as the UN and the European Parliament have been unsuccessful in working out a definition which encompasses, within one framework of reference, the diverse range of actual religious movements and which can remain uncontaminated by cultural connotations.

A few reflections to illustrate some of the complexities and difficulties. Not all religions believe in a supreme being, in the existence of an immortal soul, in life after death or in hell. Buddhism stands out as a major example of a religion which challenges the tacit assumption that a religion is necessarily monotheistic. A no less radical challenge to narrow western conceptions of what constitutes religion is provided by Jainism, a recognized religion in India and one of the great world religions, which does not deny the existence of deities but reduces them to human beings. Hinduism is a religion of great internal diversity. Six ancient and divergent philosophical schools are acknowledged as orthodox and one of these, Sankhya, is neither theistic nor pantheistic. Taoism, an organized religion officially recognized in China for centuries, lacks a supreme Creator, a Saviour-God, an articulated theology and cosmology. Polytheistic religions also lack organized and coherent structures.

From all these considerations about diversity among and inside religions, it can be deduced from a human rights perspective that, even if a definition of the concept "religion" remains elusive, there is a nebula of interwoven religions and belief-systems which can claim the benefits of the provisions of international instruments safeguarding the freedom of conscience, religion and belief.

The term "sect" used by major religions

Outside their realm, the major world religions usually identify all other religious groups as "sects" or "cults" with all the bad connotations that this terminology implies. They use this term to qualify splinter groups inside their own ranks or new religious movements challenging their theology or their supremacy in certain parts of the world..

A few concrete events will illustrate some of these basic trends taking place in those areas of the world considered predominantly Christian or Muslim.

In Latin America, where the prevailing Roman Catholic Church is suffering a serious and steady decline in membership, the Catholic hierarchy believes that the explosion of "evangelical and charismatic sects" represents a threat to the Church at least as dangerous as secular materialism. Hence Pope John Paul II's call for a new evangelisation of the continent. Statistics indicate that evangelical Christian churches were non-existent in Latin America a century ago but that during the 1980s the total Protestant population increased from 18.6 million to 59.4 million. That represents an immense 220% growth rate, nine times the rate of increase in the general population. Due to the rapid proliferation of evangelicals, the October 1992 Santo Domingo Catholic Conference circulated a document charging evangelical Protestants with "fanatical and growing proselytism".

Protestantism, which originated in a schism from the Catholic Church, has long been persecuted as a "sect", with many of its adherents executed, burnt at stakes, banned... Without committing any of these excesses, former "Protestant sects" now label as sects a number of oriental and new religions, as well as the "Christian Congregations of Jehovah's Witnesses". To these they deny the right to use the word "Christian" in their denomination.

In Greece, the Permanent Bishops' Synod launched an appeal to the "believing people of Orthodoxy" early in November 1995 to warn them against "different sects and pseudoreligious organisations that have recently met in Athens" because "these groups endanger the free personality of our people". They were referring to the European Evangelical Alliance, the umbrella organisation for around 8 million evangelicals in Europe, which was holding its annual Council Meeting in the Greek capital.

Between 9 and 12 October, a high-level meeting between both traditional religions in Uzbekistan, Kazakhstan, Kirgizistan, Tadjikistan and Turkmenistan was held in Tachkent, the capital of Uzbekistan, at the initiative of Russian Orthodox archbishop Vladimir for Tachkent and Central Asia. At this summit, the Russian Orthodox Church and Islamic religious leaders agreed to join their forces to curb the influence of so-called foreign "sects" such as the Baptists, the Methodists, the Seventh Day Adventists, the Jehovah's Witnesses, the Mormons, Hare Krishna groups and evangelical movements which are accused of seeking to recruit new followers to join their ranks. If we take this logic just one step further, former American president Jimmy Carter, a Baptist, is a member of a sect, and we could certainly find other high-ranking figures in the Methodist and Adventist churches who, according to this logic, could be similarly labelled as members of a sect.

Furthermore, it must not be forgotten that the early Christians were once considered a small Jewish sect and were persecuted both by the mainstream Jews and by the Romans. They were themselves subject to accusations that are still familiar such as breaking up families, mercenary motives, sexual orgies, infiltrating social elites, frenzied proselytizing or exotic beliefs and practices. The successfulness of this

“sect” has, of course, subsequently gained it the status of a major religion and Christianity is now respected by most governments worldwide.

Islam also has its own “sects” which the Western world either completely ignores or sometimes treats with respect. The Bahai’s, for example, enjoy a certain consideration in Israel, in Europe and in America, but are fiercely and savagely persecuted in a number of Muslim countries. In Iran, they are banned, imprisoned, tortured and executed. In Pakistan, the Ahmadis which claim Muslim identity are exposed to all kinds of persecution: discrimination, physical attacks, murders, death sentences in accordance with the blasphemy law.....

Hinduism, Judaism and other historical religions have their own sects with which they often have tense relationships.

Strangely enough, natural or traditional religions practised in Africa in their historical environment are not labelled as sects in academic studies, but are nevertheless classified as “sects” once they are practised in another cultural environment such as in Europe.

A last concrete example will show that it is probably impossible to define "a sect". There is a religious movement the statutes of which claim that its members wake up every three hours, that they don't have breakfast or eat any meat, that they break off their relationships with their families, that they don't watch TV and listen to the radio, that they don't read newspapers, that they accept the censorship of the world news carried out by their leader. Obviously, all the ingredients of a sect are gathered here. However, this religious movement is a Catholic order called "Carthusians". In the same logic as labelling Jimmy Carter as a member of a sect, it could be said from the Pope that he is the leader of a number of sects like some religious orders and Opus Dei.

These few examples, among many others, show the relativity of the concept “sect”. From a human rights perspective, this term is not neutral and its use should remain confined to the religious sphere.

Religious establishment and civil society versus new religious movements

The examples cited above show that the concept of “sect” is mainly used when, for a number of reasons, such as exotic practices or challenging values, there is some tension between a newly settled religious movement and the religious establishment or the civil society. This phenomenon is not new but is recurrent in the whole history of mankind.

In 17th-century England, the Quakers experienced savage persecution at the hands of the authorities and many of them were imprisoned solely because of their avowal of their religious beliefs. Methodists, as a new religion in 18th-century England, were mobbed and beaten and some of their chapels were demolished, sometimes with the connivance or even at the instigation of local magistrates. In the 19th century, in England, the Salvation Army was accused of incitement to "flirty-fishing". It was also the subject of riots in which some of their members were killed in England, while in

Switzerland they were publicly accused of deception and financial exploitation. Nowadays, they are proposed to the Nobel Peace Prize. The Mormons, sometimes imprisoned when seeking to recruit new members in Scandinavia, suffered similar accusations. All these faiths are now tolerated and respected in the very same countries where they were born amidst a general climate of intolerance.

The question which now concerns us is, “Are there any grounds for State institutions, secular organizations, human rights NGOs... to make a distinction between sects and religions as the religious establishment does?”. In a number of European countries, parliamentary committees are being set up to protect individuals and civil societies against sects and some MPs would like to introduce exceptional legislation against sects. But what legislation?

Analysis of some criteria put forward to distinguish sects from religions

The French parliamentary committee set up last year to carry out investigations into sects and to propose measures to thwart their breaches of law and individual freedoms has identified in its January 1996 report 172 sects and at least 800 satellites. These present at least one of the following criteria: mental destabilization, exorbitant financial demands, a breaking off of ties with family and friends, physical abuse, maltreatment, blows and injuries, sequestration, failure to render assistance to a person in danger, illegal practice of medicine, sexual attacks, incest, rape, prostitution, indoctrination of children, antisocial speech, disturbance of public order, problems with the law, infiltration of public services.

These criteria established by the French committee accurately indicate the kind of litmus test used by State institutions, the media, human rights organizations and secular institutions to make a distinction between sects and religions.

However, weren't major religions, their leaders and their clergy ever guilty of the very same malpractice as is normally associated with those belonging to “sects” and their leaders? Isn't the enforced learning of the catechism, imposed on young children, actually a form of indoctrination? Aren't Koranic schools, where young girls are taught to cover their bodies with a veil, in fact places of indoctrination? Aren't lamaseries also places of indoctrination? Aren't there any cases of mental destabilization among Catholics? Must only the arrival of new “sects” in Central Asia be protested against because “they have no respect for the local culture”, as Tarek Mitri chargé d'affaires for Muslim-Christian relations at the World Council of Churches denounced in an official press release? Hasn't Christian missionary work, whether carried out by mainstream Protestant or Catholic Churches, ever despised indigenous cultures, destabilized the minds of Africans to be evangelized and ruptured their relationships with their families, their tribes, their natural environment and their past? Doesn't Opus Dei place unreasonable financial demands on its members and doesn't it infiltrate governments and ministries? Isn't the Inquisition a tragic example of deliberate attacks on physical integrity? Aren't doctrines on mortification dangerous for the health? Wasn't the Catholic Church a willing accomplice of parents who entered their daughters in religious institutions and confined them there against their wills? And what should we say about Sweden where until January 1 of this year all babies were born Lutheran? Aren't cases of spectacular

healing in major religions sometimes actually attributable to the illegal practice of medicine? Have the clergy of major religions never been implicated in cases of paedophilia or rape? Is it antisocial speech to profess pacifism and to refuse to join the military because of religious conviction? Were the Quakers guilty of antisocial behaviour when they refused to go to war in Vietnam? Isn't the Pope putting millions of lives in danger when he forbids Catholics to use condoms? Wasn't the Vatican also involved in the Ambrosiano affair, a political and financial scandal? Do the thousands of Muslim or Hindu deaths caused by interreligious warfare in India somehow count less than the assassinations committed by the Aum sect? And what shall we say about the Crusades and all the other so-called holy wars which man has waged on man on behalf of religion? Is the mass suicide committed by the Waco sect so different from the suicide of the zealots in Massada?

Let's stop here this litany of reproaches which can be addressed both to religions and "sects" and let's examine on what grounds some are pleading to draw a frontier between religions and "sects".

Should qualitative criteria come into consideration? Numerous examples have just shown that they are irrelevant.

Should quantitative criteria come into consideration? In Belgium, Jews are less numerous than Jehovah's Witnesses or Muslims but enjoy more rights. Besides, a religion may be a majority religion in a country while being a minority religion in another one. In Muslim countries, Catholics only represent a very small percentage of the population and in Western Europe, Orthodox are only a small minority, so that on the basis of this criterion, they could be labelled as "sects" or could be denied the same rights as the religious majority.

Should historicity come into consideration? Originally, christianism could be considered as a "newly-created religion" in Palestine but due to intensive proselytism, it expanded to other countries of the Middle East, North Africa and Europe where it could have been viewed as a "newly-settled religion". A few centuries later, it became a "historical religion" in the sole Roman Empire. Besides, a religion can nowadays be recently settled in a country while being historical in another one. Why would privileges then be attributed to some and not to others on the ground of historicity, which proves to be a very relative factor both in time and in space. What would democrats think if newly-created political parties such as the Greens were not to have the same rights as the political establishment?

Why should religious associations be singled out and should they not enjoy the same rights as any other association, while obviously having the same obligations?

Conclusions

Which conclusions can be drawn from all these considerations? .

Firstly, despite the concern voiced by a number of European deputies who would have liked to institute 'anti-sect' legislation to crack down on illegal activities of sects, the Council of Europe has considered that "the freedom of conscience and religion

guaranteed by Article 9 of the European Convention makes major legislation on sects undesirable".

Secondly, taking into consideration the impossibility to make distinctions between religions supposed to be honourable and sects supposed to be evil and dangerous, our organization "**Human Rights Without Frontiers**" intends to plead in the human rights world for a revision of the terminology to be used by State institutions, secular organizations, human rights NGO's and the media.

Thirdly, "**Human Rights Without Frontiers**" would like to promote an alternative terminology to the one referring to sects, religious movements and religions. From a purely human rights point of view, "**Human Rights Without Frontiers**" proposes to use the term "religion" for all the groups claiming to be religious, whether it be

- newly-created
- newly-settled
- traditional or natural
- or historical.

"**Human Rights Without Frontiers**" also proposes to put them all on the same footing, not only among themselves but also with secular associations, and to apply to them the same "sets of rules".

Fourthly, "**Human Rights Without Frontiers**" is opposed to any act which contravenes the principles of public order and the standards upheld by the European Convention, regardless of whether the association responsible for the act represents a newly-created, newly-settled, traditional or natural, and historical religion or whether it is non-religious in nature.

Fifthly, "**Human Rights Without Frontiers**" denounces any attempt by such an association, or by any of its members, to use the religious freedom entrusted to it/them as an excuse for impunity.

Sixthly, "**Human Rights Without Frontiers**" recommends that any individual or organization (whether its nature be religious, political, social, financial...) guilty of committing criminal offences should be prosecuted and sentenced according to the provisions of the law. Any failures in this regard should be corrected and any provision put forward to increase the efficiency of the law must be welcomed. Wherever an element of enforcement or coercion can be traced in the internal workings of a religion, an immediate investigation should be initiated leading to eventual prosecution. Examples of such coercion may include the enforced isolation of individuals, the denial of access to medical treatment or incitement to refuse it.

Lastly, "**Human Rights Without Frontiers**" also recommends that a full check be carried out of the statutes of all religious associations with a view to dissolving those which do not fulfil the international standards enshrined in the European Convention. The freedom to leave an association, whether religious or non-religious, should be explicitly mentioned in its statutes and any infringement on this right should be sanctioned.

