

## Article

# Using Law to Limit Religious Freedom: The Case of New Religious Movements in France

Sajjad Adeliyan Tous <sup>1</sup>, James T. Richardson <sup>2</sup> and Alireza Taghipour <sup>3,\*</sup><sup>1</sup> Independent Researcher, Bu-Ali Sina University, Hamedan 65187-38695, Iran; sjd.adeliyan@gmail.com<sup>2</sup> Emeritus Foundation Professor of Sociology and Judicial Studies, University of Nevada, Reno, NV 89557, USA; jtr@unr.edu<sup>3</sup> Department of Law, Bu-Ali Sina University, Hamedan 65187-38695, Iran

\* Correspondence: a.taghipour@basu.ac.ir

**Abstract:** France, with its approach to managing religion known as *laïcité*, has been almost unique among Western nations in its approach to religious freedom for minority religious groups and movements. In recent decades it has passed widely criticized laws in efforts to implement a program of social control over such groups, including both new religious movements (NRMs) as well as older religious groups that have functioned in France for many decades. Examining why and how this has happened helps reveal how religious freedom can be curtailed in a modern Western society using the legislative process and the law. We apply theories from the sociology of law offered by Donald Black and by William Chambliss, as well as other relevant ideas, to understand how the situation developed in France. Black's concepts of *status* and *intimacy* are particularly useful, as is Chambliss' dialectic approach to law, which emphasizes human volition in lawmaking. Chambliss focuses on how societies develop resolutions to resolve *dilemmas* as they attempt to resolve *conflicts* that arise from *contradictions* in how society functions. The role of courts in such situations will also be addressed. We conclude that the liberalistic and humanitarian national motto ("*liberté, égalité, fraternité*") of the French Republic does not necessarily lead to the non-discrimination and non-persecution of new religious movements and other nontraditional religious groups. We also conclude that the resolution obtained with the About-Picard law was, as predicted by Chambliss, not a final one, and that dilemmas continue to exist about how to address concerns about religious groups in French society.

**Keywords:** France; *laïcité*; cult; *secte*; religious freedom; social control; religious regulation; mental manipulation; minority religions and NRMs; sociology of law; anti-cult legislation



**Citation:** Adeliyan Tous, Sajjad, James T. Richardson, and Alireza Taghipour. 2023. Using Law to Limit Religious Freedom: The Case of New Religious Movements in France. *Religions* 14: 887. <https://doi.org/10.3390/rel14070887>

Academic Editors: Olga Breskaya and Giuseppe Giordan

Received: 4 June 2023

Revised: 4 July 2023

Accepted: 5 July 2023

Published: 9 July 2023



**Copyright:** © 2023 by the authors. Licensee MDPI, Basel, Switzerland. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

## 1. Introduction

Herein, after commenting on France's unique approach to religion known as *laïcité*, we apply prominent theories from the legal sociology advanced by selected theorists (Chambliss 1979, 1993; Black 1993; Black and Baumgartner 1993) to explain attempts in France in the last four decades to use the legislative process and the law, as well as executive actions, working in concert with private organizations to limit religious freedom. These efforts have especially affected those interested in new religious movements (NRMs<sup>1</sup>, pejoratively called "cult"<sup>2</sup>) as well as participants in some religious groups that have been long-established in France. However, success has been limited by political considerations and other concerns, leading to further attempts to find better resolutions to concerns about nontraditional types of religiosity in France. The consequences of these coordinated actions, as well as how they have been dealt with by relevant judicial systems, including in France and the European Court of Human Rights (ECtHR), will be examined.

## 2. *Laïcité* in France: A Multi-Faceted Concept

In an analysis of French *laïcité* by Beckford (2004), the author defines the term as follows:

*Laïcité* in French means something very different from secularization in the sense of declining rates of religious belief, practice, or participation. It refers to a strongly positive commitment to exclude religion from State institutions and, in its place, to inculcate principles of nonreligious rationality and morality. Further, *laïcité* involves a code of ideological hygiene for preventing religious influences from infiltrating the Republic's life. This means that constant vigilance is necessary to detect and suppress any threat of backsliding towards a stage of pre-*laïcité* or of allowing new religious influences to infiltrate the State's domain. (p. 32)

It is plain that the “constant vigilance” mentioned by Beckford has been used to justify actions described herein that were designed to exert control over modes of religiosity not approved by the French government and the public. Kuru (2006, 2009) develops this idea even further with his distinction between two types of political secularism: “Passive secularism”, which requires that the secular State play a “passive” role in avoiding the establishment of any religions but allows for the public visibility of religion, and “Assertive secularism”, which, by contrast, means that the State excludes overt expressions of religion from the public sphere and plays an “assertive” role as the agent of a social engineering project that confines religion to the private domain (Kuru 2006, p. 571). Kuru claims that assertive secularism has been the dominant ideology in France and Turkey. This theorizing is useful to explain why France has made such aggressive measures to deter NRMs and other faiths from playing any public roles or even demonstrating their religiosity in public.<sup>3</sup>

Wohlrab-Sahr and Burchardt (2012) offer an insightful interpretation of how *laïcité* operates in France. They cite Kuru's “assertive secularism” in their delineation of one ideal type of “multiple secularities”, that being “secularity for the sake of societal/national integration and development”, which they claim fits France with its “republican covenant”. Wohlrab-Sahr and Burchardt say this particular type (one of four they propose) occurs where “the guiding idea of secularity is closely allied with national interests and takes precedence over the balance between groups or over individual freedom” (p. 900). Further, they state:

The prerequisite for citizenship was not ethnic identity, but the universalistic identification with the nation in abstraction from ethnic diversity. Associated with this is the claim to purify the sphere of the state, though possibly also the public domain as a whole, from overtly visible cultural, above all linguistic and religious, diversity. (ibid.)

In a provocative article, Véronique Altglas (2010) would seem to differ considerably from Kuru on what has happened in France concerning religion in general and the treatment of new religious and spiritualist movements. She asserts that *laïcité* is an ambiguous term with many meanings, thus allowing many different uses and interpretations of the term in political battles within France. She further claims that a number of sociologists have been wrong to accept the claim that France's approach to NRMs, newer spiritualities, and longer-term religious groups that have existed in France for decades (i.e., Jehovah's Witnesses) has been consistently negative and controlling. She argues that there have been serious and far-reaching differences of opinion in France over how religion is to be managed, including controversial newer ones that were the focus of much of the deliberations that are described herein. Implicit in her argument is that there are elements of the French government that act in a manner that might be described as examples of the “passive secularism” that Kuru thinks fit the US, not France. Altglas particularly notes the position taken by the Interior Ministry's Bureau des Cultes in opposition to the claim by those attacking so-called “cults” that they were violative of the principle of *laïcité*:

*Laïcité* is equally a key element in social discourses that deny that cults are a social problem. It is highly significant that the representatives of the Interior Ministry's Bureau des Cultes are among those who take this line. The Bureau des Cultes registers 'religious organizations' and 'congregations', granting them benefits and legal privileges such as the ability to receive donations and legacies, and to have their donations made exempt from tax. Founded as a result of the law of separation of Church and State, the Bureau des Cultes is supposed to embody the principles of the 1905 law, which stipulates that the Republic guarantees the freedom of religion but does not recognize or support any religion. '*Laïcité*' is therefore considered by the Bureau's representatives as the core principle of their administrative practice. (ibid., pp. 496–97)

She offers other details about the opposition to the usually assumed approach to NRMs and other minority faiths as follows:

This opposition is not occasional but is ongoing. The former Interior Minister, Michèle Alliot-Marie, attempted to give a new orientation to the policy on cults. At the beginning of 2008, she organized a confidential meeting to rethink the policy regarding cults, which would exclusively consider whether or not public order was disturbed by an organization, without labelling specific groups a priori. There was a proposal to replace MIVILUDES, which currently reports directly to the Prime Minister, with a new structure that would be attached to the Interior Ministry. Leschi suggested a structure similar to that of the British organization Inform. (ibid., p. 499)

Altglas concludes, "[t]he assumption that *laïcité* implies an opposition to cults or even to religion therefore needs to be seriously called into question . . . ". (ibid., p. 498)

These attempts to explain the meaning of *laïcité* and how it functions in France vis-à-vis newer religious and spiritual movements will serve as a background to the details offered below about what has happened in France in the legislative sphere, as officials and MPs have debated about how to manage and control newer religious and spiritual phenomena that have developed in the past few decades in France and other parts of the world.

### 3. Social Control of Minority Religious Groups in France

A major impetus for the controversy in France can be traced back to the 1970s when middle-class parents started to oppose the "new religious consciousness" that was perceived as depriving their children of a bright future and desirable lifestyles (Altglas 2010, p. 491). As part of a wider social protest and rejection of their parents' religion, many youths were exploring Christian evangelical movements, Eastern religions, and religio-therapeutic groups. In contrast to bureaucratized churches (particularly the Catholic Church) in which liturgy appeared to have lost its magic for many, these NRMs represented hope for many with religious effervescence because they offered strong emotional bonds within community life and immediate personal experience (Hervieu-Léger and Champion 1986). Similarly, other longer-established minority faiths in France (such as Islam and evangelical groups) were and still are attractive to some French citizens. For example, it has been claimed that since 1970, more than 1750 Protestant evangelical churches have been planted in France, with a total of 2521 evangelical churches at the moment—a church for every 29,000 inhabitants (Davis 2020, p. 198).

The movement of many youths into newer religious experiences in France led to high levels of concern among the families of some participants as well as among political and other institutional leaders in France. This, in turn, contributed to significant attempts to exert control over such developments, using a combination of governmental executive and legislative actions working in concert with private organizations opposed to any religious experimentation. These actions were sometimes disputed internally in France (see above discussion of Altglas' argument) but were nonetheless ongoing and effective at establishing laws designed to exert social control over those entities of concern.

Contributing to the alarmist situation within France, the calamitous suicide–homicides of an apocalyptic cult’s members in Guyana in late 1978 gave an added impetus to the efforts of French institutional leaders, as the Western world’s attention was drawn to “the cult problem”. “Jonestown” was a remote communal settlement founded by “Peoples Temple”, a newer religion from the San Francisco Bay area whose membership was mostly comprising poor Black residents. The group was under legal pressure in America and moved to a small and poor socialist country in South America. On 17 November 1978, a US congressman from California, Leo Ryan, arrived there on an investigative expedition, accompanied by journalists and some cult opponents who called themselves the “concerned relatives”. On 18 November, after visiting Jonestown and holding talks with the Temple’s charismatic white leader, Reverend Jim Jones, Congressman Ryan and his companions left with more than a dozen participants who no longer wished to remain in the community.

Hall (2003) argued that from Jones’ viewpoint, Ryan’s visit was certain to be used by the Temple’s opponents to fuel further accusations, more media scrutiny, and increased intervention in the affairs of Jonestown by external legal authorities. These circumstances contributed to decisive reaction against Ryan and his companions. Jones sent sharpshooters to the airstrip in pursuit of the truck; Leo Ryan, three newsmen, and a defector were shot dead at an airstrip several miles from Jonestown as they prepared to depart. A few hours after this carnage, Jim Jones orchestrated “revolutionary suicide”, a mass self-destruction for the commune, which led to the death of over 900 people. “First, the babies had cyanide squirted down their throats by syringe, and then the older children, followed by the adults, lined up to drink from cups of Kool-Aid laced with cyanide—it was a suicide ritual that the community had rehearsed on several previous occasions” (Barker 1986, p. 330). However, not all of Jones’ followers were willing to make this final gesture on their own. “Several were shot as they tried to escape into the jungle. Nearly 300 of the victims had not reached their seventeenth birthday; a further 200 were over 65” (ibid.). This infamous tragedy, one of the largest mass suicides in human history, worked as the principal “triggering event” to legitimize the social control of minority religions by a number of Western nations, including France, in the following years.<sup>4</sup>

The “moral panic” (Richardson and Introvigne 2007) and “anti-cult information terrorism” (Introvigne 2005) dramatically increased with the murder–suicide of the 53 members of the Order of the Solar Temple (*Ordre du Temple Solaire*) in October 1994 in Switzerland and Quebec (Mayer 1999, 2014; Lewis 2006).<sup>5</sup> The subsequent “transit” to another world of two smaller groups of members in December 1995 in France and in March 1997 in Quebec played a pivotal role in inflaming the cult controversy in Europe and increased pressure on the government in France to “do something”. This second major “triggering event” influenced public support for harsher responses against nontraditional religions, leading to further measures within the French political establishment.

While most countries in the European Union concluded that existing criminal sanctions were sufficient to punish dangerous *conducts* of NRMs (Smith 2000, p. 1118. See also relevant chapters in Shupe and Bromley (1994) and Richardson (2004)), France took a rather different approach, implementing management through governmental measures in coordination with non-governmental anti-cult associations and organizations. Some of these entities are the National Union of Associations for the Defence of Families and the Individual Victims of Sects (*Union nationale des associations de défense des familles et de l’individu victimes de sectes*, UNADFI; founded in 1982)<sup>6</sup>, the Center against Mental Manipulation (*Centre contre les manipulations mentales*, CCMM; founded in 1981), and the Interministerial Mission of Vigilance and Combat against Sectarian Aberrations (*Mission interministérielle de vigilance et de lutte contre les dérives sectaires*, MIVILUDES; founded in 2002).

The goal of these official institutions, as well as of the private anti-cult groups, was to discredit all religious groups outside of mainline religious trends by means of disseminating critical information about them. The “cult of the anti-cult” pressured the mass media and politics in particular but did not neglect the university research sector either (Morelli 1997). In France, two of the associations mentioned above shared this “market”, corresponding to the two fundamental options in French society: one is “secular” (the CCMM) and the other defends conservative values and is “Catholic” (the UNADFI). Also, according to some critics, defending “family” and “the individual” have been usurped by anti-cultists and have become intertwined with the notion of brainwashing (Étienne 2002). Indeed, the strategy of French anti-cult associations and organizations was and is to promote their ideological biases by avoiding standard research methods, as discussed by Champion and Cohen (1999, pp. 13–14):

It is clear that it is not part of the work of anti-sect associations to try to understand the voluntary engagement of members or their motives for staying in the group. Refusing to deal with these matters, the anti-sect associations have as their only source of information the worried parents of members . . . and the ex-members who refuse any responsibility for their previous involvement in the groups, considering these the consequence of mental manipulation or deceit . . . Not one researcher was consulted even once during the eleven years between the government reports of 1985 and 1996.<sup>7</sup>

By focusing on the worried families of some NRM participants and alleged “victim” defectors from some groups, the French anti-cult movement (ACM)<sup>8</sup> sought to portray the “cult problem” as a national crisis requiring extraordinary counteractions to be resolved. And some facets of the government, particularly in the Parliament, took the lead and made the “cult problem” a major issue for the nation, as will be described in detail below.

#### 4. Relevant Theories from the Sociology of Law

Before proceeding with the details of France’s attempts to limit religious freedom using the law and the legislative process, it is useful to outline some theoretical work from the legal sociology that will aid in understanding of what took place in France. Also, it should be of interest to see whether the French situation might contribute new theoretical insights to this body of work.

Perhaps the most applicable to the France situation is the work of William Chambliss. Chambliss eschews mechanistic and reifying theories that ignore human volition and demonstrates, using careful historical research, how human choices resolve *contradictions*, *conflicts*, and *dilemmas* when law and policy are developed. His agency-oriented approach demonstrates the role of discretion by human actors:

The vocabulary, theory, and methodology suitable for the study of law and society should begin not with vast impersonal forces sweeping across empty heads and determining human action, but with thinking, choosing, [and] creating human beings. Society is a collection of human beings, not an entity with its own needs, force, and consciousness. It consists of people acting together in repetitive patterns shaped but not determined by the constraints of a particular historical period. (Chambliss 1993, p. 8)

Chambliss focuses on “the critical events, the points at which laws are produced” that “provide a new approach to a problem”, which include “basic revisions of the existing relationships between state, polity, government, and fundamental institutions” (ibid., p. 3). He examines circumstances that constitute “the important turning points in the historical processes” (ibid., p. 4). He is critical of both functional and Marxist theories of the origin of law, specifically focusing on the tautological nature of both consensus and pluralist theories (the latter being the best-known variant of functional theory) as well as ruling-class theory, an oft-cited variant of Marxist theory. He decries the former two theories by saying the following:



The greatest problem with the pluralist position is how little it tells us about the creation of law: if all we can say is that those who will succeed are those who succeed, that those with the greatest power will win and the greatest power is defined as winning, then we know nothing. How does one know whether or not one interest group is more powerful than another? The only measure Friedman suggests is whether or not they succeed in getting their chosen law enacted. Friedman recognizes this tautological aspect of his theory but is unable to suggest a way out of the dilemma. In the end even a sophisticated rendering of consensus theory ends in tautology. (ibid.)

He castigates instrumental Marxism (elite or ruling-class theory), because its explanations also are tautological: “the event is explained by the existence of the event” (ibid., p. 7). Chambliss then develops his own theory:

We propose a theory that sees law as a process aimed at the resolution of contradictions, conflicts, and dilemmas that are historically grounded in time and space and inherent in the structure of a particular political, economic, and social structure. (ibid., p. 9)

He defines “contradiction” as follows:

A contradiction is established in a particular historical period when the working out of the logic of the extant political, economic, ideological, and social relations must necessarily destroy some fundamental aspects of existing social relations. (ibid.)

*Contradictions*, in turn, produce *conflicts* between various societal interest groups, which produce *dilemmas* for the State to solve. The resulting decisions produce a *resolution*, but this can cause other contradictions to come to light. Thus, a continuous dialectic process of development of law occurs, with contradictions leading to conflicts that cause further dilemmas that require attention. Chambliss and Zatz (1993, p. 424) later expand the original dialectic approach by “the allocation of a larger role in modeling the lawmaking process for ideological forces and attention to strategies and triggering events”.

Also, the concept of “triggering events”, incorporated from the works of other scholars (Galliher and Cross 1983; Galliher and Basilick 1979), is an important addition to the basic structural contradiction theory. This notion refers to events “that actually lead to passage of a specific piece of legislation” (McGarrell and Castellano 1993, p. 349). This theoretical element is useful and will be used in this work to understand what has occurred in France regarding social control measures directed toward NRMs and other minority faiths.

The theoretical work of Donald Black is also relevant to our task. His work is usually thought of as being useful to explain the *outcomes* of the judicial process, whereas Chambliss’s theorizing helps explain how and why laws are developed. However, Black’s theorizing can also apply to the development of laws, as will be demonstrated in our analysis of the situation in France (detailed below).

Black’s (1993) concepts of *status* and *intimacy* help in understanding how the law operates within a society. Status refers to the location within the society’s social hierarchy; higher-status persons and organizations can operate more effectively within a legal system. Higher status also implies that a party possesses the resources needed to use the legal system to promote its values and interests. Also, such parties may be “repeat players” with experience within the legal system. Intimate ties of parties with key institutional leaders within a legal system mean a sharing of values and possibly even social ties with them.

Black and Baumgartner (1993) proposed that *third-party partisans* could be very important when low-status parties with few or no intimate ties with decision-makers are involved in public controversies, including court cases. They are referring to finding ways to form alliances with higher-status parties who share intimacy with members of the judicial system. This can take many forms including receiving direct financial support

for legal proceedings from those supporting religious freedom, seeking legal advice and public statements of support, asking for amicus briefs from groups supporting religious freedom when a judicial decision is appealed, or asking for expert testimony from experts in the field of religious freedom when such is allowed. Acquiring support from third-party partisan organizations or individuals can dramatically improve the chances for minority religious groups to prevail in courts.<sup>9</sup> Mass media can play a partisan role as well if a group is presented to readers and viewers in a more favorable light than the usual coverage of minority faiths.

Third-party partisans may, however, align themselves *against* the interests of minority religions, and support limiting religious freedom, as has been the case in France. As noted, some private ACM groups in France have been welcomed by government officials interested in controlling minority faiths. Some anti-cult groups have received public funding, and even have been allowed to file legal actions against minority religious groups, with the support of the government.

Mark Cooney (1994) developed another aspect of Black's theoretical work, focusing on the process of producing evidence. Those in charge of legislative systems or judicial processes decide what information can be used in such important decision-making situations. A well-known and controversial demonstration of Cooney's idea in the realm of the academic study of NRMs concerns the use of "brainwashing" claims to attack such groups. In the 1970s and 80s, efforts were made in the United States and elsewhere, including in Western Europe, to convince the general public, mass media, legislators, and even judges that brainwashing was a scientific term readily practiced on potential followers by leaders of minority faiths. Scholars have debunked these claims (see Bromley and Richardson 1983; Kilbourne and Richardson 1984; Barker 1984; Anthony 1990; Anthony and Robbins 2004; Richardson 1991, 1993a; Ginsburg and Richardson 1998; Introvigne 2022; Richardson and Adeliyan Tous 2023), but such claims were accepted for a time in American courts, and variations of the concept are accepted in some quarters around the world. These claims undergirded, for example, the idea of "mental manipulation", which has played a major role in efforts to control and repress minority religions in France, as will be shown below.

## 5. Details of French Actions to Control Religious Groups and Limit Religious Freedom

### 5.1. First Phase of Social Control of NRMs

Concerns increased in France in the early 1980s, prompted in part by the Peoples Temple mass murder-suicides in 1978, a triggering event with worldwide consequences. The dominant responses to NRMs in these years can be summarized in terms of "(a) the pervasiveness of 'organicist' or *intégriste* assumptions about the natural order of French society derived from the Catholic Church's teaching, (b) the widespread currency given to themes of authoritarianism and conspiracy [in "cults"], and (c) the semi-official status enjoyed by the country's main anti-cult organization" (Beckford 1985, pp. 270–71). However, concerns about NRMs and other minority religions in France eventually evolved to focus more on allegations of psychological manipulation, fraud, and anti-democratic tendencies. As Beckford (2004, p. 29) observed,

The French State's support for the anti-cult cause has grown considerably stronger and more direct. In fact, agencies of the State at all levels are fully engaged in the 'fight against cults' and mobilized to such a high degree that it is now necessary to think of France as the only Western country with an official mission to combat cultism. France is not content merely to monitor and, on occasion, to sanction religious movements that might break the law but it also campaigns actively against the work of most minority religious groups.

The anti-cultic legal campaign in France was officially initiated on 1 September 1982, when Prime Minister Pierre Mauroy, under letter No. 384/SG, entrusted a mission with the objective of "studying the problems posed by the development of religious and pseudore-

ligious sects” to Alain Vivien, a Socialist *député* of the National Assembly. According to the mission letter, Vivien was to “examine their legal and financial status, both in France and abroad, and to propose proper measures to guarantee freedom of association within these sects while preserving the fundamental freedoms of the individual”. The government apparently sought, with this initial effort, not only to find a resolution to the perceived problem concerning cults, but also to achieve a balance between protecting the public against cults while defending the rights of both individual citizens as well as authentic religious organizations to pursue their religious goals without unwarranted hindrance. After five months of full-time investigation, Vivien’s 137-page report was completed on 1 February 1983 but was not officially released until 9 April 1985. It was titled “Sects in France: expression of moral liberty or agents of manipulation?” (Vivien 1985).<sup>10</sup> Beckford (2004, p. 30) believed that the report was not made public until 1985 because the government was reluctant to accept some of the report’s more radical claims and recommendations. Vivien himself stated in a discussion on 7 November 2007 that the reason for this was “disagreements about its relevance among top government officials” (Ollion 2016, p. 126). Thus, no resolution was agreed upon with this initial foray into the perceived dilemma faced by the government.

On 29 June 1995, the National Assembly voted to appoint a “parliamentary commission of inquiry on sects in France” (*commissions d’enquête parlementaires sur les sectes en France*), charged with “studying the phenomenon of sects and, if appropriate, propose changes to existing legal provisions”. The commission was set up on 11 July 1995, chaired by *député* Alain Gest and the reportage of *député* Jacques Guyard, and then held a series of “auditions” or hearings in camera under a “confidentiality regime”. It conducted twenty interviews lasting for a total of twenty-one hours to “take cognizance of the information, experience, and analyzes of persons having, in various capacities, an in-depth knowledge of the sectarian phenomenon, be they administrative officials, doctors, lawyers, men of the Church, representatives of associations helping the sects’ victims, and, of course, former members of sectarian movements and leaders of sectarian associations”. The findings were then submitted to the National Assembly in a report titled “Sects in France” (known as the Gest-Guyard report) on 22 December 1995 (Assemblée Nationale 1996).<sup>11</sup>

This report, which illustrates the concerns of Cooney (1994) about how decisions are made to produce “evidence”, evoked an outcry from scholars around the world. As Richardson and Introvigne (2001, p. 147) asserted, “[i]t 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”. Despite that the sources of information used in preparing this report were kept secret, it seems clear that the commission particularly relied on three kinds of “experts”: cult-watching groups, “apostates” of NRMs, and the Central Directorate of General Intelligence (*Direction centrale des renseignements généraux*, DCRG).

The report was heavily influenced by and reliant on ACM theories, particularly the ideas of noted French anti-cultist Jean-Marie Abgrall, which plainly brought into question the impartiality and credibility of the report given the thorough critiques of his theorizing that had been offered by Dick Anthony and other scholars.<sup>12</sup> Shupe and Darnell (2006, p. 225) note that Abgrall was a “key actor in French official investigations and an illustration of North American-European ACM intellectual cross-fertilization”. They go on to state:

Abgrall appropriated wholesale the North American ACM’s “mind control” paradigm in such books as *La Mécanique des Sectes* [published in English as *Soul Snatchers: The Mechanics of Cults*]. In his book, he quoted liberally from such vintage American ACM sources as Edward Hunter’s CIA-inspired books employing the “brainwashing” metaphor and *Destructive Cult Conversion: Theory, Research, and Treatment* published by AFF’s Center on Destructive Cultism (psychiatrist John G. Clark, Jr. and psychologist Michael D. Langone were two of its primary authors). (ibid.)



The exportation of the American anti-cult framing and ideology abroad and the “brokerage” of previously unconnected organizational ties and networks—through what [Shupe and Darnell](#) (2006, p. 197) call “missionizing efforts” by activists in the ACM’s “European campaign”—in an effort to craft a global movement are clear, as discussed by [Wright and Palmer](#) (2016, p. 38):

The campaign resulted in the creation of a network of ACM organizations in Denmark, The Netherlands, France, Belgium, Germany, England, Austria, Spain, Greece, Scotland, Switzerland, and Italy. Movement organizers established European contacts, convened conferences, brokered ties between and among disparate anticult organizations, constructed and refined a uniform framing of the “cult” problem, and forged a consolidation of interests and goals to build an effective transnational network. This same transnational network also expanded to some countries outside Europe, including Israel, Australia, Argentina, and Japan.

First, the commission sought to assess the current extent of the “sectarian phenomenon” and identify its probable future tendencies. The commission concluded that this phenomenon harbored potential for expansion that could justify increased vigilance on the part of public authorities. This report continued to stress the notion that sects were dangerous, defining them as follows given “the approach based on the dangerousity of sects” (*L’approche fondée sur la dangerosité des sectes*):

Groups aiming through maneuvers of psychological destabilization to obtain unconditional allegiance from their followers, a diminution in critical thinking, and a rupture with commonly accepted references (ethical, scientific, civic, educational), and entailing dangers for individual freedoms, health, education, and democratic institutions. ([Assemblée Nationale 1996](#), p. 11)

The commission was of the opinion that these groups used philosophical, religious, or therapeutic ideas to disguise any signs of illegal, immoral, or hyper-controlling practices until a recruit had fully immersed himself in the group. The report seems an extreme example of “cultphobia” that developed in some Western societies after the triggering events of Jonestown and Solar Temple ([Kilbourne and Richardson 1986](#)). Stress was laid in the report on the insidious character of the “sectarian drift/aberrations” (*dérive sectaire*)<sup>13</sup> because it was hard to distinguish between “legitimate” groups and the dangerous ones—that is, between the following:

- Liberal associations and coercive groups;
- Engagement and fanaticism;
- Skillful persuasion and programmed manipulation;
- Loyal group membership and unconditional allegiance;
- A search for alternatives (e.g., cultural, moral, ideological) and breaking with the values of society;
- Voluntary decisions and totally induced choices;
- The prestige of the leader and the worship of the guru.

The difficulty of defining the concept of “sect” and the need to determine what movement qualifies as a cult prompted the commission of inquiry to adopt a package of criteria of potential for danger. In order to advance its investigations, the commission accepted criteria used by the DCRG in the analysis of the *phénomène sectaire*.<sup>14</sup> These much-disputed criteria are as follows:

*Dangers for the individual:*

- Mental destabilization;
- Exorbitant financial demands;
- Break with the original environment;
- Damages to physical integrity;
- Recruitment of children;

*Dangers for the community:*

- More or less anti-social discourse;
- Disturbances to public order;
- Increased judicial conflicts—this can take two forms: the prosecutions to which cults are subject due to the purported criminal or prejudicial nature of their acts and the actions they take themselves against people who they believe have tarnished their image—as well as conflicts with legal authorities;
- The possible diversion of traditional economic circuits and cycles;
- Attempts to infiltrate and manipulate public authorities.

Neither all movements have these characteristics, nor do all these criteria of danger have the same evidential value or the same utility to identify alleged sectarian risks. And, of course, these criteria are not limited to presumed “cultic” groups.

The commission identified various movements as *sects* based on their supposed peril(s) for their members and/or society (again illustrating Cooney’s theorizing on biases in evidence production). A movement’s threat level was deduced from the existence of one or more indices of the aforementioned criteria. The report contained a lengthy blacklist of 172 allegedly potential “*sectes dangereuses*” (including the Church of Scientology and Jehovah’s Witnesses, along with many more).<sup>15</sup> To “prove” the truth of its claim regarding the dangers presented by cults to individuals and society, the commission pointed to several cult-related cases in six areas of accusation, especially those court decisions provided by the Criminal Matters and Pardons Directorate of the Ministry of Justice. These included (1) ill-treatment, assault and battery, failure to assist a person in danger, or illegal practice of medicine; (2) the violation of certain family obligations, in particular of cult-adherent parents vis-à-vis their children; (3) defamation, slanderous denunciation, or the violation of privacy; (4) tax evasion; (5) swindle, fraud, or breach of trust; and (6) violations of labor law or social security requirements.

According to the report, most cults are organized on a “pyramidal model”, guaranteeing the exercise of power for the benefit of one person (the guru) and/or a restricted elite.<sup>16</sup> Like all pyramidal structures, they are based on differences between basic followers and the leader(s), tempered by the existence of intermediate levels, the number of which is reduced as one progresses towards the top. Complex links of dependence are established between these various levels, organizing the distribution of roles, consciousness, and power. Such a system guarantees the existence of effective filters restricting the paths of access to the guru and/or the elite, protected from the base by their isolation and the symbolism of their power. Conversely, followers are rewarded for their loyalty by progress within the cult, evidenced by obtaining ranks and diplomas and/or material benefits. Moving to a higher level is often an occasion for an initiation ceremony. The report emphasized that in many movements, several types of pyramidal structures coexist relating to the educational, administrative, and financial services of organizations, and that this proliferation of structures supposedly further rigidifies these organizations.

Some other issues addressed therein included the following: the geographical distribution of cults; the number of cults present in France, as well as classifying them with respect to the number of members in each; and factors contributing to the potential expansion of cults (responding to the important needs of potential recruits, increasingly sophisticated recruitment techniques, and financial power). The report also introduced thirteen doctrinal “families” of cults (e.g., “apocalyptic” movements, “healing” movements, “new age” groups, “evangelical” and “pseudo-catholic” groups, “neo-pagan” movements, “satanic” movements, “psychoanalytical” movements) and linked each cult to one of them, as well as presented the numerical distribution of cults among these currents of thought.

The last section of the report was about “the necessity for an adapted response to the dangerousness of sects” (*La nécessité d’une riposte adaptée à la dangerosité des sectes*). The initial lines of this section read as follows:

The study of the legal system leads the commission to think that it is generally adapted to the problems posed by sects and does not require an overall reform. However, ... we observe that it is often difficult to convict organizations that have engaged in criminal behavior. The response to these problems thus requires a very pragmatic attitude, which is based above all on strong preventive action, better application of the law, and amelioration of a few points of the existing legal system. (*Assemblée Nationale 1996*, p. 83)

The commission admitted that “a significant legal arsenal permits the State to sanction the sectarian drifts”, asserting that the current laws of France were adequate to protect French society from any harmful behavior deriving from cult beliefs. However, many of the activities in which the public believes cults are engaged are not illegal and are protected from government sanction under international human rights law. Moreover, in a striking statement that seems cognizant of the position taken by *Altglas (2010)*, the commission stated that “the idea of creating a specific legal regime for sects has been rejected by the public authorities and specialists” and indicated that it was also disinclined to support the idea of anti-cult legislation. These statements illustrate that the topic of exerting social control over NRMs was controversial, making it difficult to arrive at a generally acceptable resolution.

However, in spite of these concerns, the commission made a number of extensive suggestions about how to deal with the perceived problems arising from cults—a position that might be thought of as a temporary resolution in terms of Chambliss’ theorizing. Included were the following pointers:

- Creating an interministerial observatory attached to the Prime Minister;
- Increasing public awareness (e.g., by ways of organizing campaigns to inform the general public, in particular via public television channels as well as informing the youth through national education);
- Extending and improving training for people who, in the context of their professional activities (in particular civil servants), were confronted with cult-related problems;
- A general instruction from the Minister of Justice to the magistrates of the public prosecutor’s office asking them to examine with more attention complaints filed by cults’ “victims”;
- A general instruction from the Minister of the Interior to the police services and from the Minister of Defense to the gendarmerie services enjoining them to show more vigilance vis-à-vis sectarian aberrations;
- Asking the administration to be more rigorous in the mission of surveillance and control with regard to cults presenting dangers or that did not respect the law;
- Encouraging public entities to be more cautious in granting subsidies to some specific associations;
- Promoting the dissolution of the organizations and associations in question when necessary;
- Increasing international cooperation, particularly community cooperation concerning cults;
- Undertaking studies on the deterrent effect of sanctions imposed on cults and on the advisability of aggravating them;
- Strengthening the protection of experts who testified in the courts;
- Giving permission to the associations for the defense of alleged victims of cults to bring civil action; and
- Helping ex-members of cults return to normal lives.

Even though the Gest-Guyard report had no legal status, it had a very dramatic impact on minority religions in France, affecting their ability to function and fueling efforts to drive some out of the country.<sup>17</sup> It effectively redrew the boundaries between Church and State in France and limited religious freedom for new and minority religious groups and their participants in the nation. *Altglas (2008, p. 56)* comments on the ambiguous, quasi-legal nature of the report:

It became an official and prevailing reference, leading the public to think there was a legal definition of cults and well-identified groups, the harmful effects of which had been established. The media has systematically referred to the list and some still assume today that it is legally recognised. More importantly, the courts of justice have explicitly referred to it, as well as administrative and local authorities, with the consequence that it has prevented various groups from buying or renting public places, and resulted in individuals losing their employment or child custody cases.

Shortly after the publication of the 1995 parliamentary report accompanied by several recommendations therein, the Minister of Justice, Jacques Toubon, sent to the directors of public prosecution throughout the country on 29 February 1996 a circular (No. 92 F24 C) containing the blacklist of “dangerous cults”, urging them to “combat” those movements. This represents an attempt to achieve a more definitive resolution to the dilemma that might placate those most concerned about the newer and the minority faiths but which might also avoid a major controversy if more focused new laws were proposed. Toubon requested principal public prosecutors to “apply the existing laws more strictly” and make full use of “the existing legal arsenal” by exercising “unfailing vigilance” and “particular severity” (Muckel and Baldus 2007, p. 555). They were also to consult anti-cult organizations for information purposes, some members of which were former adherents of the listed groups.

This effort to find a resolution was not acceptable and enough to some important entities, and a four-article draft law was attached to minutes of the Senate’s meeting dated 10 June 1996 by a group of senators headed by Nicolas About. It was designed to supplement and modify a few articles of some laws to “strengthen the penal system against associations or groups of a sectarian nature which constitute, by their criminal acts, a disturbance to public order or a major danger to the human person or the security of the State” (Sénat 1996). However, this effort was not accepted, and ultimately failed.

A governmental agency to monitor NRMs named “the Interministerial Observatory on Cults” was then created by the decree of President Jacques Chirac on 9 May 1996 (Premier ministre 1996a) and was installed on 13 November 1996 (Campos 2001, p. 186). Its status as an interministerial body, and the fact that it was located at the Hôtel Matignon, the premises of the Prime Minister, signified the importance that was given to the subject (Ollion 2017, p. 271). Article 2 of the decree outlined three missions for this entity: (1) analyzing the phenomenon of cults, (2) informing the Prime Minister of the result of its work, and (3) making proposals to the Prime Minister in order to improve the means of fighting against cults.<sup>18</sup> A key appointment to the Observatory was that of the anti-cult psychiatrist Abgrall, as well as the députés Jean-Pierre Brard (the vice-president of the 1995 commission), Gest, and Guyard (rapporteur of the 1995 commission) (Premier ministre 1996b).

The Observatory published its first annual report in 1998 in compliance with Article 3 of the decree (Observatoire interministériel sur les sectes 1998. See Introvigne (1998) for a brief commentary), recommending a number of measures, two of which were quite drastic. First, victims of cults’ criminal acts were assumed to be refraining from filing lawsuits or criminal complaints because of the pressures and threats that the cults would bring to bear on them. Currently, associations for the defense of victims of cults are not covered by Articles 2-1 to 2-16 of the Code of Criminal Procedure and, therefore, are not effectively authorized to bring civil/criminal proceedings in cases they are asked to represent. It was recommended that this situation be remedied in law by giving such associations the right to become parties in certain offenses when action had already been initiated by public prosecutors or victims. Second, it was recommended that the law of 1 July 1901 (*Loi du 1er juillet 1901 relative au contrat d’association*) be modified so as to improve the transparency and management of associations subject to said act. These amendments were proposed to the Observatory from the anti-cult Centre Ikor Roger or CCMM. This radical proposal, if adopted, could put many other types of associations at risk of dissolution or heavy financial penalties given Articles 7 and 8 of the same law.

On 7 November 1997, the Minister of the Interior, Jean-Pierre Chevènement, sent out a circular to police chiefs in France, urging them to “fight against reprehensible actions of sectarian movements”. He appealed to the non-governmental organizations UNADFI and CCMM to assist him in raising public awareness of the *dangers des sectes*. The circular called for the mobilization of state officials to unite in exchanging information, heightening vigilance, and making work, school, and health inspections, claiming this fight came within the framework of an activity of “national priority” (Wright and Palmer 2016, p. 203).

On 1 December 1998, the Ministry of Justice sent out a circular (No. CRIM.98-11/G3), noting that it had not received a sufficient number of complaints about cults and thus was not in a position to prosecute them (Muckel and Baldus 2007, p. 556). This circular, which was sent to the staff of the prosecutor general’s office, asked prosecutors and judges to maintain institutional contact with anti-cult associations in order to “combat attacks on persons or private property committed by groups of a sectarian nature” (Fautré et al. 2004, p. 600). The goal of this collaboration was to obtain information to prosecute individuals belonging to one of the 172 minority religious groups regarded as “dangerous sects”.

It is worth noting that between 1996 and 1998, training and “awareness” programs were set up for the police, state prosecutors, judges, and teachers so that they could be part of a concerted effort by many government agencies and the State to crack down on cults (Palmer 2011, p. 17).

## 5.2. Second Phase of Social Control of NRMs

Many French authorities were not satisfied with this “resolution”, however, and wanted additional studies to find out more about different aspects of these controversial groups. Thus, another parliamentary commission of inquiry was set up on 15 December 1998, chaired by *député* Guyard and *député* Brard as its rapporteur. According to the report of proceedings in the National Assembly on 10 December 1998, Mr. Guyard said:

If the work carried out by the commission of inquiry in 1995 served a purpose, it was largely because the commission published a list of sectarian movements, giving it a degree of publicity which nobody dared to do for fear of being prosecuted. We accepted that responsibility collectively, irrespective of our political sympathies, and that helped to give the information wide circulation. I am pleased that the 1995 Report is the Assembly’s best-selling report. More than ten thousand copies have had to be printed to meet the demand from members of the public who wanted to be informed. (Cour européenne des droits de l’homme 2001, p. 425)

The new commission expressly confirmed that it was continuing the work carried out by the 1995 commission. It was to investigate “the finances, patrimonial, and fiscal situation of sects as well as their economic activities and their relations with economic and financial environments”. The commission presented to the National Assembly a report on 10 June 1999 titled “Sects and money” (known as the Guyard–Brard Report) (Assemblée Nationale 1999a), which was a document of 322 pages.<sup>19</sup>

The report was divided into three sections. In the first phase, the commission tried to outline, in broad strokes, the evolution of the sectarian panorama since the publication of the previous report (an overview of the “cult problem” in France). It declared that the list of dangerous cults included in the 1995 report was still valid and updated it by adding 30 more new groups originally excluded, apparently because they had wrongly been thought of as non-dangerous. The report stated that the cults established in France, as a general rule, emanated from a “mother sect” whose international headquarters were located abroad. It emphasized that “the US is the first host country for international bodies of cults who find there a law and a system of thought favorable to their creation and development” (ibid., p. 25). These bodies of cults are often based on a federal structure and organize their activities around three branches: a branch based on an associative structure responsible for propagating the doctrine of the movement; a branch composed of one or



more bodies, associative or not, whose activities include an economic character; and a real estate branch made up of legal entities that serve as legal supports for real estate investments. In several cases, a structure specially dedicated to the financing of the sect is added to these three branches. Together they constitute the national organization of a sect, whose establishment in a territory is based on a more or less tight network of establishments or local associations.

The second section presented perceptions of how cults make money by exploiting the channels of trade and distribution (more specifically in the sale of food and dietetic products), education, health care, and professional training and business counsel. These sectarian movements hope to create links with business leaders and senior executives and facilitate, through this access, a policy of hiring or empowering their members in key positions. The report presented a financial typology of cults, from the two richest (Jehovah's Witnesses and Scientology) to the comparatively poor ones (e.g., Pentecost of Besançon and Roses Croix d'Or), and solutions were proposed to make wealthy cults less wealthy. This included a way to tax their "gifts and donations" at 60 percent (this proposal was implemented but eventually led to France losing its first case in the ECtHR, as will be discussed below).

The third section examined both possible infractions of social legislation (e.g., the Labor Code and Social Security Code) as well as alleged economic and financial abuses and crimes committed by cults (e.g., the trafficking or illegal importation of medicines, the abuse of trust or corporate assets, illegal or clandestine work, money laundering, and national and international tax fraud). The report also was accompanied by a few brief concluding remarks, plus a summary of the commission's seven proposals, two of which were more serious. First, most sectarian movements fell under the rubric of "*association*" in compliance with the law of 1 July 1901.<sup>20</sup> "This status has the great advantage of comprising minimum obligations while offering broad legal capacity. It also includes a presumption of non-profit making which entails the benefit of derogations, particularly tax exemptions. Finally, it allows the use of voluntary work, which can protect certain associations from their social obligations" (ibid., p. 46). However, the organization of sectarian practices in the form of a declared association appeared to the commission to be a "*real manipulation*" (*véritable dévoiement*) of the intent of the 1901 law. Therefore, adjustment of the statute of associations was recommended. Second, the more serious and tough application of the law of 9 December 1905 on the separation of the Churches and the State (*Loi du 9 décembre 1905 concernant la séparation des Églises et de l'Etat*) was proposed. (To fulfill this recommendation, sending a circular to prefects and all the concerned services with the focus on recalling both the principle of *laïcité* as well as the criteria for a "religious association", defined by the Council of State, was suggested.)

The hidden aim of these two proposals, in fact, was to tighten restrictions and disallow alternative religious movements the right to enjoy the status of an "*association culturelle*" (which cultivates a kind of *culte*, a system of religious beliefs and practices) by alleging that they are not "real religions".

However, the most controversial recommendation was to initiate consultation on the advisability of creating a crime of "mental manipulation" (*un délit de manipulation mentale*) (ibid., p. 256). This concept, as noted above, which depends heavily on the theorizing of Jean-Marie Abgrall so roundly criticized by some scholars (Anthony 1999), is derivative of the theorizing about the pseudoscientific terms "brainwashing" and "mind control" that had had, for a time, considerable acceptance in the United States before being discredited and disallowed in the legal arena there.

Susan Palmer (2011, p. 18) asserts that the Guyard–Brard report gave impetus to a number of actions:

This [report] was the opening move of a new attack on *sectes*, as is indicated in an interview with Jean-Louis Langlais (president of MIVILUDES between December 2002 and October 2005). The journalist, Sylvain Courage, begins the interview with a battle cry: "Money is the nerve of war. How do you hit *sects* in their

pocketbooks?” Langlais responds, “It is true that by attacking their war chests you can dismantle groups that have prosperous commercial enterprises”.

She goes on to say:

The 1999 report focused on the large multinational groups, especially the Jehovah’s Witnesses and Scientologists. The stated basis of concern was that these groups may use excessive or dishonest means to obtain donations, which then are transferred out of the country and beyond the reach of French tax authorities. (ibid., p. 19)

After the 1999 Guyard–Brard report, legislative assaults against NRMs intensified. On 14 December 1999, a *proposition de loi* tending to “strengthen the penal system against associations or groups constituting, by their criminal acts, a disturbance to public order or a major danger for the human person” was mooted by MP Nicolas About to the French Senate, amending the law of 10 January 1936 and certain other laws (Sénat 1999a). It was hoped that this effort would lead to a “final resolution” of the dilemma posed by newer and other minority faiths in France.

The law of 10 January 1936 (*Loi du 10 janvier 1936 sur les groupes de combat et milices privées*) had been introduced to provide for the dissolution, and ban, of combatant anti-government organizations (at the time, these were mostly right-wing) and private militias by a decree of the government; “cults” would now be included in the coverage of this law. The discussion in the Senate was introduced under the heading “fighting sects” (*Lutte contre les sectes*), and the bill was approved on 16 December 1999 (although in the end the word “cult” was not used in the text, and thus, the law, if approved, could be used against other groups as well) (Sénat 1999b). Richardson and Introvigne (2001, p. 152) analyzed the content of the Senate-approved bill as follows:

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 1995 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 include 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 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.

Approval by the lower chamber, the National Assembly, was needed after the Senate’s vote. Therefore, the bill was subsequently sent to the National Assembly for an appropriate decision (Assemblée Nationale 1999b). The senators had noted that the problem for France was the international situation, and the US Department of State, “which includes Scientologists”, 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" (Richardson and Introvigne 2001, p. 152).

On 30 May 2000, another quite punitive but ambiguous anti-cult *proposition de loi* with the view to "reinforce the prevention and suppression of sects which infringe human rights and fundamental freedoms" was tabled by the representative Catherine Picard and signed by all Socialist members of the National Assembly (Assemblée Nationale 2000. See Smith (2000) and Duvert (2004) for critiques). The bill was then unveiled on June 6. "Its initial draft called for specific criteria for the dissolution of a 'cult,' such as repeated complaints from families against the 'cult,' prohibition of 'cults' near 'vulnerable' areas (e.g., schools and hospitals), no renaming or reorganisation of dissolved 'cults' . . . " (Possamaï and Lee 2004, p. 338). It contained a grievously disputable Article 10 criminalizing "mental manipulation". This crime was defined as "any activity which has the purpose or the effect to create or exploit the psychological or physical dependence of the persons who participate in the group's activities and which infringes human rights and fundamental liberties; to exert severe and repeated pressures on a person in order to create or exploit such a state of dependence and to drive him, against his will or not, to an act or an abstention which is seriously prejudicial to him" (Assemblée Nationale 2000, p. 9). Beyond doubt, the bill intended to provide the State with the means to dissolve any cult that it chose. The bill was approved by the Commission of Law of the Assembly on 14 June and was passed unanimously on 22 June in the National Assembly.

However, the draft law, with its controversial clause establishing a new crime of "mental manipulation", a first in the world, rapidly caused a widespread protest from several minority religious groups, human rights organizations (e.g., the National Consultative Commission on Human Rights, a French governmental organization created in 1947), mainline churches, academics, and even the Ministry of Justice. While acknowledging the potential value of this notion "so as to allow victims to be heard in court", Justice Minister Élisabeth Guigo immediately emphasized the looming difficulties of legally defining such a crime and the risks that such a notion might jeopardize "basic liberties such as the freedom of association or liberty of conscience" (Hervieu-Léger 2004, p. 40). However, the deputies did not heed this appeal for caution. They sought to outdo each other during the debate by introducing amendments designed to elaborate even more rigorous protective devices. Subsequently, this arsenal of repressive measures was examined by the Senate.

In the Senate meeting of 17 January 2001, it was agreed that creating the offense of mental manipulation was not appropriate, as it has been the subject of much criticism, particularly from representatives of major religious denominations. It was noted that the same result could be reached through a modification of the existing Section 313-4 of the Penal Code (Sénat 2001, pp. 25–27). Thus, the term "mental manipulation" was changed to the seemingly more neutral phrase "the fraudulent abuse of the state of ignorance or weakness" (*d'abus frauduleux de l'état d'ignorance ou de faiblesse*) in the amendment of the draft law, but its description still remained, word for word, in Article 20 of the amended version (see Ternisien 2001).<sup>21</sup> Eventually, the final text of the proposed law (known as the About–Picard law) was unanimously ratified in the second National Assembly reading on 30 May 2001 (Assemblée Nationale 2001) and was promulgated on 13 June in the Official Journal of the French Republic to inform all citizens and become effective (Assemblée Nationale and Sénat 2001. See Duvert (2004) for a critical analysis of this law).

## 6. Results of France's Efforts to Control NRMs: ECtHR Rulings and Change of Course<sup>22</sup>

There are two areas of importance to examine when assessing the results of efforts made by France to control or even dissolve NRMs and other minority religions. One obvious area to examine is whether the new law finally passed in 2001 has been applied, and if so, to which entities and with what outcomes. A second area concerns the matter of the judicial review of actions taken by France's legislative and executive branches. In response, one scholar contends:

On the basis of my research findings, through the standard research methods of interviews, field research and studying media reports, and primary and secondary literature, I have found that religious freedom in France is seriously compromised. . . . I have found that members of NRMs, and immigrants belonging to “oriental import” religious (e.g., the Sikhs) have suffered from six strategies of social control:

(a) Deviance labeling (“sects”) and stereotyping in the media (*mediabolization* is the French term); (b) Discrimination in the workplace, through being fired, denied promotion, or an application for a job rejected due to the employee’s affiliation with a “secte”; (c) Ostracization from, or marginalization in the public space. Many leaders have complained they were refused a booth in a public market or festival, and their contracts to rent hotel rooms for a conference would be cancelled at the last minute; (d) Public humiliation of spiritual leaders. Many founders/leaders of NRMs have been denied entry into France (e.g., Chinmoy and Rev. Moon). Many have been demonized by the mass media’s broadcasting of unfounded allegations that are later dismissed or overturned in the courts. Many have been called “escroc”, “manipulateur”, “pedophiles’ teacher” in Sanskrit) is actually an abusive stigmatizing word in France. Several have been arrested and held for questioning; (e) Many parents affiliated with unconventional religions are discriminated against in custody disputes, where the secular or Catholic parent is preferred, and many have had their visiting rights cancelled or curtailed; (f) Members of NRMs who practice faith-healing, healing prayers, massage, herbal medicine, chanting as supplement to conventional medicine have been arrested and held for questioning or actually charged and sometimes convicted for “practicing medicine without a license” or “depriving a person of medical care”.

. . . Although France has an excellent legal system, the administrative and appeals courts appear to be biased against unconventional religions. Several NRMs have launched aggressive lawsuits for defamation, but nearly always lose. It is striking that UNADFI officials and Scientologists often call the other identical epithets (“Gestapo” or “Nazi”)—but only the UNADFI lawsuits win, and Scientology always loses! Many NRMs have demanded a *droit de réponse* in newspapers, but have been disregarded. The level of prejudice against “sects” and secte members is so deep and pervasive, the level of ignorance is so high, that French citizens who are associated with an unconventional religion are handicapped when they appeal to Justice. (Palmer 2008a)

French courts, although sometimes showing sympathy for NRMs (Duvert 2004, pp. 45–46), did not deter political actions made by the executive and legislative branches of government (sometimes assisted by private or quasi-official anti-cult entities) and, indeed, dismissed most endeavors to challenge them. Hence, it might seem that the concerted actions taken by the other two branches of government would have prevailed with few impediments. However, France is a member of the Council of Europe and thus falls under the purview of the European Convention on Human Rights and Fundamental Freedoms and the judicial arm of the CoE, the ECtHR, which was established to enforce the provisions of the Convention. Therefore, many cases from France have been submitted to the ECtHR, including some challenging specific aspects deriving from the efforts made to control the activities and dress requirements of minority religions. The results of those cases will be summarized before examining applications of the About–Picard law within France.

There is a long list of cases claiming violations of Article 9 and related claims against France that were filed over the years in the ECtHR, with virtually all ruled inadmissible or dealt with in another manner that ignored religious freedom claims (Lykes and Richardson 2014, pp. 186–93). This pattern continued until several cases challenging France’s effort to force the dissolution of some NRMs and minority religions using tax law applications

(described above) were appealed to the ECtHR after courts in France failed to stop these efforts. The cases were derived from implementations of the recommendation in the Guyard–Brard Report of 1999 to treat contributions to groups on the list of unacceptable groups as gifts and thus taxable at a 60% rate. French tax authorities applied the 60% rule and sent massive tax bills to several organizations as a result of forcing them to divulge information that was usually quite private about donations to these groups.<sup>23</sup>

The Jehovah’s Witnesses group, for example, were sent a tax bill of over €57 million. A 2008 human rights report claimed that “if the assessed tax, which totaled more than 57 million Euros (approximately \$77.5 million) as of year’s end, were to be paid, it would consume all of the group’s buildings and assets in the country” (U.S. Department of State 2010, vol. 1, p. 1306). Attempts to challenge these actions to break the groups financially were dismissed by French courts (Lykes and Richardson 2014, p. 181); hence, the cases were submitted to the ECtHR, claiming violations of Article 9 of the Convention (freedom of thought, conscience, and religion) and other claims. Although decisions were long delayed, eventually, the ECtHR ruled in 2011 (application No. 8916/05 for the Association of Jehovah’s Witnesses) and in 2013 (application No. 25502/07 for the Evangelical Missionary Church and Salaûn, application No. 50471/07 for the Religious Association of the Pyramid Temple, and application No. 50615/07 for the Association of the Knights of the Golden Lotus) that French tax authorities had indeed violated the religious freedoms of four groups that had submitted their cases challenging the actions of tax authorities (see also Richardson and Lykes (2011) for a discussion of Aumism cases and Introvigne (2004) for general discussion of this movement).

France thus lost these cases and ended up having to pay large damage amounts to the concerned groups (Lykes and Richardson 2014, p. 182). These rulings represented the first Article 9 cases to be lost by France, and thus, a strong message was sent that what was happening in France did not comport with the provisions and philosophy of the European Convention on Human Rights—an assessment with implications for how the About–Picard law was applied after passage, to which we now turn.<sup>24</sup>

The new statute has been applied a number of times since it was enacted. However, it is quite telling that it has *not* been used to challenge Scientology and the JW’s despite the use of the alleged atrocities of those two groups in efforts to justify the new law during parliamentary debates. One might surmise that given the results of the tax cases discussed above, the French authorities were wary of using the About–Picard law to attack those two groups, which had developed considerable expertise (and winning records) in the arena of the ECtHR. French authorities apparently do not want the law challenged before the ECtHR; hence, they have chosen to apply it against smaller and less affluent groups with little experience within the judicial arena. And, as Palmer (2022) has noted, the groups and individuals against which the law has been used are quite varied, with many of them not involved in religion at all. Palmer listed 31 applications of the law through 2017, with many of them involving hypnotherapists who were involved in “recovered memories” about child sexual abuse, as well as cases against some alternative therapists and licensed psychotherapists engaged in “new age” activities and possible sex offenses against patients or followers. Altglas (2010) discusses how the About–Picard law has been coopted by other interest groups in France and used in battles within certain professional arenas to attempt to control innovative and unusual practices that compete with traditional methods of dealing with mental and physical health.

Thus, it is difficult to claim that the law has been effective in the effort to control minority religious movements operating in France, but it has been used for other purposes. The “resolution” of the perceived dilemma faced by the two branches of the French government concerning religious cults and new spiritualities apparently did not accomplish what was anticipated. Consequently, newer attempts to find ways to exert control on minority faiths were made, as will be discussed below.



## 7. Discussion

Clearly, the theorizings of William Chambliss and of Donald Black and his students are applicable to what happened (and is still happening) in France. Chambliss' dialectic approach is well illustrated by the machinations of French political leaders who sought innovative ways to respond to the dilemma posed by concerns about cults and some other minority faiths. This dilemma derived from the "contradiction" of the concern of many citizens and political leaders that little that was effective was being done about youth and others participating in newer faiths and some faiths that had been operating in France for decades. The demand to "do something" led to societal institutional leaders (including mass media and politicians in the legislative and executive branches) finding ways to respond. After many attempts to deal with the dilemma, the About-Picard law was passed in 2001, led to a resolution, even if it was a rather controversial one with apparently limited real application. And, as with other such controversial efforts, the new law has led to few changes, especially vis-à-vis the two major targets during the debates: Scientology and the Jehovah's Witnesses group. What happened as a result of the About-Picard law seems more a demonstration of Murray Edelman's (1985) "symbolic politics" than an effective remedy to the perceived dilemma faced by French authorities. Thus, the "resolution" achieved with the legislation obviously demonstrates the dialectic nature of the process of law development. Further "resolutions" were felt to be needed since public concerns about *sectes* persisted in France.

Indeed, further efforts of various kinds were made, including a *proposition de résolution* for "the creation of a commission of inquiry into the influence of sectarian movements and the consequences of their practices on the physical and mental health of minors", which was presented by *député* Philippe Vuilque and several other MPs (*Assemblée Nationale* 2006a). The *proposition de résolution* was subsequently referred to the Law Commission (*Commission des Lois*) for consideration. This third commission of inquiry on cults was set up on 28 June 2006 by a vote of the National Assembly's representatives (*Assemblée Nationale* 2006b). This appointment was made in response to a request from the Law Commission that had unanimously adopted the *proposition de résolution* on 21 June 2006 without modification (*Assemblée Nationale* 2006c). The Law Commission's request, apparently, had been provoked by a 2005 report issued by MIVILUDES in which it had been alleged that "thousands of children who were beaten, perhaps sexually abused, and trapped in the 'sequestered' world of cults" (Palmer 2011, p. 22). The commission included Georges Fenech (President), Philippe Vuilque (rapporteur), Martine David and Alain Gest (Vice-Presidents), and Jean-Pierre Brard and Rudy Salles (Secretaries); the names of some of them are familiar from past commissions dealing with cults. The commission heard testimonies from 65 people over a short period of 63 h. To respect the desires of certain so-called victims of cults to not expose themselves to possible reprisals, it agreed to their request to be heard behind closed doors, while 40 people were heard in front of the press. The commission also distributed questionnaires to various groups it considered to be cults, but some of the targeted groups (including the Church of Scientology, the Raelians, Sahaja Yoga, and Tabitha's Place) expressed alarm about its biased questions, which had evidently been designed to entrap, and therefore refused to submit responses (Palmer 2011, p. 23). Anti-cult organizations were also asked to fill out survey instruments, contributing to a large amount of information, even if much of it was of questionable quality. The commission then submitted an immense two-volume report of 789 pages to the Assembly on 12 December 2006, which contained "fifty" recommendations aimed at protecting supposedly endangered children (*Assemblée Nationale* 2006d). However, the commission received considerable criticism for its work and recommendations for other governmental agencies, and eventually, it abandoned its plans (Palmer 2011, p. 24).

Some time passed before other major actions were taken. However, a new law was passed on 24 January 2023 regarding the "Orientation and Programming of the Ministry of the Interior" (*Loi d'orientation et de programmation du ministère de l'intérieur*), which directs (at no. 3.1.2) relevant French authorities "to apply the special investigation techniques

to the offence of abuse of weakness by an organized criminal gang (*bande organisée*) to facilitate the work of investigators combatting against “cultic deviances” (Introvigne 2023). The “special investigation techniques”, which were initially designed to combat terrorism and organized crime, are those listed in Section XXV of the Code of Criminal Procedure. Henceforth, police officers will be able to hack electronic mail accounts, bug homes and cars, send fake mails and use false identities on social media, impersonate “cultists” or potential converts and operate undercover, and even “deliver in place of postal service providers and freight operators objects, goods or products” to those suspected of “cultic deviances”. Also, according to Article 706-79, police agents can be assisted by “specialized assistants” (perhaps anti-cult activists) deputized on a case-by-case basis.

Massimo Introvigne (2021), also, has written about how the Constitutional Council of France responded to requests from a large number of members of the French Parliament to reassess several provisions of the 24 August 2021 “Law of Consolidating/Strengthening Respect for the Principles of the Republic” (*Loi confortant le respect des principes de la République*, also known as the law against “separatism”) for possible issues of constitutionality (see Introvigne et al. (2020) for a critique of the initial draft of the law. See also Pansier et al. (2021)). The request by the MPs was apparently the result of some concerns about how some provisions comported with the principles underpinning French society. (Those concerns may have been motivated by the criticism of some earlier efforts to exert control over minority religions, discussed herein, but that is not certain.) In a ruling rendered on 13 August 2021 (décision n° 2021-823 DC du 13 août 2021), the Council ruled some provisions acceptable but offered interpretive rules to use when applying others. However, provisions of Article 16 were declared unconstitutional. They would have allowed the Minister of Justice, after a procedure seeking dissolution of a group had begun but not yet been concluded, to suspend the activities of an association for up to six months. The Constitutional Council stated that this provision would destroy the principle of freedom of association because a long suspension would irreparably damage an association before it was found guilty of any wrongdoing. Introvigne goes on to discuss several other provisions that he considers potentially unconstitutional but which the Council did not examine. Introvigne concludes by indicating that the worst of the anti-cult provisions in the law had been deleted or ameliorated.

It should be noted that the French situation demonstrates quite well the value of augmentations to Chambliss’ theorizing that have been discussed above. Whereas Chambliss’ original theorizing focused on the political and economic forces of capitalism, he has since accepted emendations to his theoretical scheme. These include incorporating both social, cultural, and ideological forces as well as triggering events that force action and the development of strategies to seek ways out of dilemmas faced by societal leaders. The dominant position of Catholicism in France (and the Church’s efforts in attempting to control new and minority faiths) as well as France’s way of seemingly keeping religion outside the public sphere, referred to as *laïcité*, are, plainly, the cultural and ideological underpinnings of what has happened regarding cults in France in recent decades. Indeed, it would be difficult to make a case that capitalism and economic concerns played any role at all, even though there was some attention to finances with later efforts that focused on practical considerations of how NRMs and minority faiths garner and use money. Political concerns played a prominent role, as both executive and legislative branches sought ways to respond to the public concern about cults and other minority religions, but political leaders were motivated by culturally based concerns that had been given impetus by some major triggering events (the Jonestown and, especially, Solar Temple episodes). Strategies developed for them to respond were innovative but often controversial, as Altglas (2010) notes, requiring pauses and even reversals—of course—as the process evolved in a dialectic fashion.

Donald Black’s theorizing described above, also, is applicable. Although his focus has usually been on the outcomes of legal battles, his purview would include the lengthy efforts to respond to the dilemma felt by many French institutional leaders. Obviously, the statuses of the concerned French political leaders (not to mention that of the Catholic Church)

contributed to the impetus to deal with the perceived problem of minority religious groups functioning in French society (and attracting some of the children of those institutional leaders and those they represented). Moreover, those societal leaders shared values and intimate ties that played a role in organizing how to respond to the perceived threat.

Black's theoretical approach is particularly useful to help understand how France came to lose, in 2011, its first Article 9 case (described above) that had been carried to the ECtHR. It seems safe to assume that the ECtHR was well aware of the hue and cry raised internationally regarding the works by the executive and legislative branches working in concert to exert stringent controls over NRMs in France. Additionally, the Court was informed, through the pleadings in the case, of a general lack of oversight that the French judicial system had rendered in the situation. The Court's decisions, although focused on the attempts to tax religious groups out of existence, seemed to offer a clear rebuke of what had happened in France concerning efforts to control or even abolish some minority faiths. The Court has developed an impressive record in the area of religious freedom (see [Fokas and Richardson 2019](#)), and it used the French case to continue the long-term endeavor to promote that freedom within the Council of Europe nations. Thus, the ECtHR has continued its role, over the recent decades of its existence, in what has been referred to as the "judicialization of religious freedom" ([Richardson 2015, 2021b](#)), which refers to the tendency in many Western nations to defer controversial issues to the courts when their executive or legislative branches cannot agree or choose not to make decisions.

This perception of the ECtHR among French authorities perhaps contributed to the ironic decision not to attempt to apply the law against the very groups that were of such concern during the debates about how to respond to the dilemma of growing interest among France's youth in alternative religious and spiritual experiences. Those deciding how to apply the law apparently did not want it tested before the ECtHR, and to have applied it to Scientology or the JW's group would have almost guaranteed that such would occur.

## 8. Conclusions

Clearly, the ideological element of the French's officially secular approach to religion has played a major role in what has occurred in France concerning nontraditional religious groups and movements. The term is ambiguous enough to have served as a basis for attacks on various nontraditional forms of religion and spirituality even as some segments of the government and of the public disagreed with what was being done. As we have detailed above, many citizens and institutional leaders in France found the growing interest among many young people in NRMs and alternative spiritualities to be somewhat offensive and counter to their view of French culture and values. Also, that growing interest was deterring some French youths from pursuing the normal educational and career paths that were expected by their parents. The confluence of these two concerns revealed to important segments of French society contradictions in how the society was functioning, which caused a dilemma that demanded attention from leaders of French society. Then, the major "triggering events" of the Jonestown tragedy and the Solar Temple suicides offered some justification and impetus to societal leaders to take action—and this they did, using whatever governmental processes and structures were available (as well as "approved" private entities)—to find ways to exert control over the religious and spiritual phenomena that were of concern. It took two decades of trying several temporary "resolutions" before there was enough agreement to actually pass the About-Picard law. And even that result was flawed and much criticized within and without French society, leading to more machinations that clearly demonstrate the dialectic and temporary nature of what had been accomplished. Modifications of the rules governing "special investigatory techniques" and the controversy over the law regarding "Respect for the Principles of the Republic", as well as the works of the 2006 commission, clearly demonstrate that no final resolution has been achieved, and that machinations over how to exert control over minority faiths will probably continue in France.

All actions described herein to address the dilemma led to more dilemmas and conflicts as the results of these efforts were roundly criticized by human rights and religious freedom advocates around the world, including in France. This criticism (along with a few rulings of the ECtHR) apparently contributed to decisions not to attempt to fully implement the About-Picard law by challenging some of the very groups used to justify the law. Instead, the law, with its ambiguous language, can and is being used in areas of life that seem somewhat unrelated to the focus of the efforts expended to finally get some legislation passed. French citizens and leaders apparently recognized this unplanned and unsatisfactory result and have continued to take corrective measures. The longer-term results of these more recent actions remain to be seen. However, what is clear is that France offers an almost unique case where the process of developing law can be and will seemingly continue to be used in efforts to limit religious freedom for many of its citizens.<sup>25</sup>

**Author Contributions:** Conceptualization, S.A.T. and J.T.R.; Validation, S.A.T. and J.T.R.; Formal analysis, S.A.T. and J.T.R.; Writing—original draft, S.A.T.; Writing—review and editing, S.A.T., J.T.R. and A.T.; Supervision, S.A.T.; Project administration, S.A.T. All authors have read and agreed to the published version of the manuscript.

**Funding:** This research received no external funding.

**Institutional Review Board Statement:** Not applicable.

**Informed Consent Statement:** Not applicable.

**Data Availability Statement:** Not applicable.

**Conflicts of Interest:** The authors declare no conflict of interest.

## Notes

- <sup>1</sup> Eileen Barker (1989, p. 9), in perhaps the most oft-cited source on NRMs, offers a nonevaluative and objective definition of an NRM, saying: “The term new religious movement (NRM) is used to cover a disparate collection of organisations, most of which have emerged in their present form since the 1950s, and most of which offer some kind of answer to questions of a fundamental religious, spiritual or philosophical nature”. Contemporary NRMs have attracted mainly younger adherents who seek alternatives to traditional religious views and organizations extant in their societies. See Bromley (2007) for chapters written by prominent NRM scholars on how to teach about these new phenomena that have attracted so much attention in many countries around the world.
- <sup>2</sup> “International terminology needs a preliminary clarification. The derogatory English word ‘cult’ should not be translated with ‘culte’ in French, and similar words in other languages. As scholars of religion have noticed from decades, the French word having the same derogatory meaning of the English ‘cult’ is ‘secte,’ rather than ‘culte.’ ‘Cult’ should be translated with ‘secte’ in French, and in turn ‘secte’ should be translated with ‘cult’—not with ‘sect,’ which does not have the same negative meaning (for example, the different mainline Buddhist schools are often referred to in English as ‘Buddhist sects,’ with no negative judgment implied)” (Berzano et al. 2022a, p. 3). Herein, we use the terms “cult” and “sect” interchangeably.
- <sup>3</sup> In contrast, according to Kuru (2006), in the United States the dominant ideology has been passive secularism. This has allowed various groups that were once not acceptable to many (Catholics and Jews) to become over decades more integrated and accepted (Herberg 1983). Kuru does argue that the treatment of Muslims in the US does not easily fit this pattern, however.
- <sup>4</sup> See Richardson (1980) for a comparison of Peoples Temple and other NRMs, which points out many differences of note that belie assumptions that the other NRMs were similar to Peoples Temple and, therefore, in danger of similar tragic events.
- <sup>5</sup> The tragic and controversial situation in Waco, Texas, in 1993, with the death of nearly 100 people (including many children) in the raid on the Branch Davidian compound, also contributed to rising levels of concern about cults worldwide and in France (see Wright 1995).
- <sup>6</sup> This association was later recognized as a “public utility establishment” by the decree of the Minister of Interior Jean-Louis Debré on 30 April 1996 (Ministère de l’Intérieur 1996)—a designation involving official authority.
- <sup>7</sup> The stifling and censorship of academic research and expert views in the field of “NRMs studies” comes about in France, meaning that the general public has access to information regarding religious minorities only through the mass media, anti-cult organizations, and governmental reports. Since journalists and government officials rely heavily on anti-cult entities like UNADFI and MIVILUDES for their information, this means there are only a few oppositional and biased sources. Palmer’s (2008b) article features interviews with French academics who have been punished for free speech, venturing their opinions on the “secte problem”. Professor Antoine Faivre of the Sorbonne was actually arrested and held behind bars for 5 h for asking why the Guyard Report was based exclusively on interviews with anti-cultists and ex-members, and not one academic was interviewed. Nathalie



Luca of EHESS resigned from her position on MIVILUDES because her more objective academic opinions were disregarded (see [Luca 2004](#) for her views). Dr. Maurice Duval, Dr. Christian Paturel, and other scholars have been sued for criticizing members of the ACM in their books. [Palmer's \(2011\)](#) book contains descriptions of what happened to a number of specific NRMs in France as a result of the anti-cult campaign to control or excise various groups. It also discussed the resistance that developed and how some of the groups joined together to fight the social control efforts, sometimes successfully in court.

<sup>8</sup> In using the term “anti-cult movement”, we refer to a generic term used to cover “a wide range of groups formed with the specific purpose of disseminating information, offering advice and counselling, and/or lobbying those in authority to take action to curb the activities of cults” ([Barker 1986](#), p. 335). See [Shupe and Bromley \(1994\)](#) for discussion of anti-cult movement in a number of European countries. Ironically, one unintended role of this movement has been to bring to the attention of mainstream culture the messages of the target groups via the media, albeit in often grotesquely distorted forms ([Kaplan 1993](#), p. 268). Thus, attempts to exercise repressive power over a variety of cults can lead to a more universal dissemination of a cult’s beliefs and values—a “transforming into discourse”, as Foucault theorized in the book *The History of Sexuality*.

<sup>9</sup> Courts themselves can be thought of as third-party partisans if a pattern of decisions favoring minority faiths develops. The United States Supreme Court’s positive decisions in over 50 cases involving Jehovah’s Witnesses (JWs) over the years would seem to illustrate this situation. The ECtHR has ruled in favor of the JWs in several dozen cases as well, leading some to argue that the Court is acting partisan in favor of such groups (see [Richardson 2017a, 2017b](#) for details).

<sup>10</sup> The report began with comments on the situation of cults currently present in the country (including data on the geographical spread, size of membership, finances, various branches and associations, and methods of recruitment and appeal) and concluded with a number of proposals. The most important concerned the establishment of an interministerial agency to liaise with different ministries, to which activities of the cults were somehow related and, in general terms, to oversee all matters relating to the cults (note: cooperation with private anti-cult groups was included as part of this recommendation). Some of the other proposals were as follows: promoting an open *laïcité*; studying cults by other institutions, such as university departments in France; providing a wide range of information to the public via media, newspapers, schools, and other institutions to make them aware of the assumed dangerous nature of cults; instituting mediating processes that could help families having members involved in such groups; supporting defectors and would-be defectors; and even going beyond national borders (i.e., encouraging cult-watching groups to coordinate their activities with those in other countries).

<sup>11</sup> For scholarly critiques of this report, see [Introvigne and Melton \(1996\)](#) and [Champion and Cohen \(1999\)](#).

<sup>12</sup> [Anthony \(1999\)](#) notes that an analysis of Jean-Marie Abgrall’s cultic brainwashing theory shows the theory is essentially identical to the pseudoscientific theory that was developed first by the American CIA as a propaganda device to combat communism and second as an ideological device for use by the American ACM to rationalize efforts at persecution and control of minority religious groups. The CIA theory has been evaluated scientifically in research in several contexts (i.e., communist coercive indoctrination of Western prisoners, the CIA’s attempted development of brainwashing techniques, and with American new religions or “cults”). In each, it has been shown to be ineffective in coercively changing worldviews. Because of this pattern of disconfirmation, testimony based on brainwashing theory has been opposed as unscientific by relevant professional academic organizations and eventually excluded from American legal trials ([Anthony 1996](#); [Richardson 1991, 1996](#)). Consequently, neither legal decisions nor public policy with respect to minority religions should be based on Abgrall’s appropriation of this pseudoscientific theory.

<sup>13</sup> MIVILUDES has defined this term as follows: “It is a deviation from freedom of thought, opinion or religion which undermines public order, laws or regulations, or persons’ fundamental rights, security or integrity. It is characterized by the implementation of pressures or techniques by an organized group or an isolated individual aimed at creating or maintaining a state of psychological or physical subjection in a person to exploit him/her, depriving him/her of a part of his/her free will, with harmful consequences for this person, his/her entourage or for society”.

<sup>14</sup> For discussions of “cult” definitions, see [Richardson \(1993b\)](#) and [Dillon and Richardson \(1994\)](#).

<sup>15</sup> [Altglas \(2010, p. 497\)](#) concerning the position of the Bureau des Cultes says: “They regard it as a principle of neutrality—as Didier Leschi, the then head of the Bureau, said in an interview in 2006, ‘a priori, I do not have a definition of cult as I do not have a definition of what a religion is’. Accordingly, representatives of the Bureau des Cultes have repeatedly indicated in writing that ‘no group has ever been categorized as a cult by the Republic’, that the list of ‘dangerous cults’ has no legal value, and that all groups, whether religions or those labelled as cults by common sense, are subject to common law. In practice, the fact that an organization is simply named on this list does not prevent the Bureau des Cultes from granting it the status and benefits afforded to religious organizations. As we see later, the Bureau des Cultes has disavowed the anti-cult fight that is being conducted by parliamentarians and interministerial missions. In return, the latter have denounced the Bureau’s practices as a breach of the principle of *laïcité*”.

<sup>16</sup> According to [Richardson \(2021a\)](#), leadership in NRMs has often assumed by mass media and societal leaders that leaders have a powerful form of charisma with magical powers allowing leaders to exercise total control over the group and its members. This “myth of the omnipotent leader” is complemented by the “myth of the passive and brainwashed follower”, which assumes that those who participate have their agency overcome by the leader’s charisma and are under some sort of spell cast by the leader. This supposedly makes them “robots” in the hands of the leader and at the service of his/her ostensible evil wills. However, both naive myths mislead and belie societal conditions that lead to the formation of new religions as well as the inherent agency of those who participate.



- <sup>17</sup> This was also the case before the 1995 report. For instance, [Wright and Palmer \(2018, p. 12\)](#) touched on the issue, stating that four government raids were launched against two NRMs (The Family International and Community of Horus) before 1995 based on child abuse charges. They narrate that, in June 1993, French authorities carried out three raids on The Family International in Lyon and Marseilles. Over 200 police brandishing automatic weapons and axes entered Family homes at dawn: “Fifty adults and ninety children were taken into custody”. The criminal case of child abuse collapsed for lack of evidence, but The Family International was driven underground and eventually left the country for fear of another round of raids. See [Palmer \(2011\)](#) for more details on these and other responses against NRMs in France.
- <sup>18</sup> The Observatory was disbanded after two years due to inadequate efficacy. It was then replaced with the “Interministerial Mission of Combat against Cults” (MILS) by the decree of President Chirac on 7 October 1998 ([Premier ministre 1998a](#)). Alain Vivien was appointed as its director ([Premier ministre 1998b](#)) and its headquarters were housed in the Prime Minister’s offices. Of particular note is that anti-cultists such as Abgrall, Brard, and Gest were again appointed members to this governmental entity as well ([Premier ministre 1998c](#)). According to the [U.S. Department of State \(2000, p. 292\)](#) 2000 Annual Report on International Religious Freedom, “[a]lthough the decree instructs the MILS to ‘analyze the phenomenon of sects,’ it does not define what is meant by the term ‘sect,’ or how sects differ from religions. The MILS also is charged with serving as a coordinator of periodic Interministerial meetings, at which government officials are to exchange information and coordinate their actions against sects”. The proceedings of MILS and Alain Vivien’s anti-cultic background as the drafter of the 1985 report and the President of the CCMM (1997–1998) received criticism many times. For instance, Daniel Groscolas, Inspector General in charge of sects at the Ministry of National Education, resigned on 11 January 2001. In his letter to Prime Minister Lionel Jospin, he accused Vivien of having tampered with the MILS reports, which were “made without consultation” and contained “inaccuracies and false assertions” ([Lardeur 2002](#)). Also, Jean-Marie Abgrall was dismissed at the beginning of 2001 from the Orientation Council of the MILS on the pretext that his functions as an expert were incompatible with his membership in the Mission ([Premier ministre 2001](#)). To bypass the criticisms raised concerning MILS and Alain Vivien, whose actions had given rise to controversy, Jacques Chirac issued a decree on 28 November 2002, repealing the previous decree of 7 October, announcing that the MIVILUDES would be replaced by MILS ([Premier ministre 2002](#)). The government thus strongly affirmed its intention to continue the actions undertaken since the creation of the Interministerial Observatory and to develop it by focusing, not on doctrine or belief, but on harmful acts and abusive behaviors. According to the [MIVILUDES’ \(2003, p. 5\)](#) first Annual Report, the Presidential decree entrusted to the new Interministerial Mission the purported task of “observing and analyzing the phenomenon of sectarian movements whose behavior and actions are prejudicial to human rights and basic freedoms, constitute a menace to law and order, or violate statutes and regulations”.
- <sup>19</sup> Massimo [Introvigne \(1999\)](#) scathingly analyzed this report: “The commission’s level of knowledge of NRMs is not very high, as usual in similar French documents, but the procedures confirm the most serious concerns about religious freedom in France”. He pointed out that the data for the “sects and money” report was gathered from tax records, DCRG investigations, mandatory responses to a questionnaire sent out to 60 groups labeled as sects, and compulsory participation in secret hearings (“absent persons were threatened with fines and imprisonment, as were those who might divulge the contents of the hearings”). Introvigne, noting that the report reveals budgetary and financial information of a confidential nature (including a substantial number of names of certain private individuals) to the general public, wrote disapprovingly that “any other individual or association, anywhere in the world, would simply sue for infringement of its privacy and win. In France, however, parliamentary commissions are exempt from any legal responsibility, and the privacy of ‘cultists’ is obviously considered as expendable”. As a result of the government’s tries to gather data for this report, for example, the Jehovah’s Witnesses sent a comprehensive reply to the commission’s questionnaire, together with nine boxes of documents.
- <sup>20</sup> According to the commission of inquiry, “[t]he principle of freedom of association leads to a very liberal conception of the rules organizing the category of legal persons created in 1901. The law of 1901 provides for the existence of *de facto* associations, devoid of legal capacity and formed without any formality: by repealing Article 291 of the Penal Code, the legislator explicitly stated that no declaration, no contact with the administration be required to form an association. The same liberalism is found in the definition of the obligations provided for in order to benefit from legal capacity” ([Assemblée Nationale 1999a, p. 47](#)).
- <sup>21</sup> 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’” ([Richardson and Introvigne 2001, p. 154](#)).
- <sup>22</sup> Appreciation is given to Susan Palmer, Eric Roux, and Massimo Introvigne for assistance in developing this section.
- <sup>23</sup> Scientology was also sent a large tax bill but chose to pay it rather than fight it in the courts, after some controversy over whether the tax authorities should accept funds from Scientology that came from overseas, payment was finally accepted, thus closing the matter ([Lykes and Richardson 2014, p. 181](#)).
- <sup>24</sup> Until these decisions by the ECtHR over the use of taxing authority, France, which is the *home* in Strasbourg of the ECtHR, was granted considerable leeway in how it dealt with cases involving religious freedom claims.
- <sup>25</sup> Although France has experienced difficulties in fully implementing its new law and has received much criticism internationally and internally for its works, it has nonetheless made major efforts to disseminate its views around the world. One important way it has done so is by supporting the most important international anti-cult organization, the European Federation of Centres of Research and Information on Sectarianism (*Fédération Européenne des Centres de Recherche et d’Information sur le Sectarisme, FECRIS*),

which was established in 1994 and receives 92% of its funding directly from the French government (Duval 2017, p. 133). Duval reports that the major French anti-cult organizations discussed herein, which also receive about 90% of their funding from the French government, are affiliates of FECRIS. It serves as an umbrella organization for groups investigating the activities of groups considered cults in Europe. There are now FECRIS-affiliated groups in many countries around the world attempting to influence governmental policies concerning the management of newer faiths (see Besier and Seiwert 2012). According to Dericquebourg (2012, p. 188), globally, FECRIS proposes two complementary approaches: “pathologizing and criminalizing members of religious minorities. The faithful of so-called sects are said to be victims and their leaders are supposedly delinquents”. Duval argues forcefully that receiving funding from the French government for these organized efforts is a clear violation of requirements for state neutrality concerning religion required by French law and its constitution, as well as being violative of international agreements to which France is a signatory. FECRIS, even though it is funded by the French government, had for a time as its vice-president Alexander Dvorkin, the well-known Russian anti-cultist who has made it his life’s work to attack newer religious groups in Russia and around the world (see Shterin and Richardson (2002), for one major example). He and some French officials have visited a number of countries, including China, attempting to spread French ideas concerning sects and cults and supporting other governments to control or completely stamp out new religious and spiritual expressions. For a more recent discussion of French attempts in Russia and China involving FECRIS and its leaders, see Berzano et al. (2022b). See also Koscianska (2004) for one example of French actions to influence policy in Poland.

## References

- Altglas, Véronique. 2008. French Cult Controversy at the Turn of the New Millennium: Escalation, Dissensions and New Forms of Mobilisations across the Battlefield. In *The Centrality of Religion in Social Life: Essays in Honour of James A. Beckford*. Edited by Eileen Barker. Farnham: Ashgate, pp. 55–68.
- Altglas, Véronique. 2010. *Laïcité* is What *Laïcité* Does: Rethinking the French Cult Controversy. *Current Sociology* 58: 489–510. [CrossRef]
- Anthony, Dick. 1990. Religious Movements and Brainwashing Litigation: Evaluating Key Testimony. In *In Gods We Trust: New Patterns of Religious Pluralism in America*, 2nd ed. Edited by Thomas Robbins and Dick Anthony. New Brunswick: Transaction Publishers, pp. 295–344.
- Anthony, Dick. 1996. Brainwashing and Totalitarian Influence: An Exploration of Admissibility Criteria for Testimony in Brainwashing Trials. Ph.D. dissertation, Graduate Theological Union, Berkeley, CA, USA.
- Anthony, Dick. 1999. Pseudoscience and Minority Religions: An Evaluation of the Brainwashing Theories of Jean-Marie Abgrall. *Social Justice Research* 12: 421–56. [CrossRef]
- Anthony, Dick, and Thomas Robbins. 2004. Pseudoscience versus Minority Religions: An Evaluation of the Brainwashing Theories of Jean-Marie Abgrall. In *Regulating Religion: Case Studies from Around the Globe*. Edited by James T. Richardson. New York: Springer Science+Business Media, pp. 127–49.
- Assemblée Nationale. 1996. *Les sectes en France: Rapport fait au nom de la commission d’enquête sur les sectes*. document N° 2468. Paris: Les Documents d’Information de l’Assemblée Nationale.
- Assemblée Nationale. 1999a. *Les sectes et l’argent: Rapport fait au nom de la commission d’enquête sur la situation financière, patrimoniale et fiscale des sectes, ainsi que sur leurs activités économiques et leurs relations avec les milieux économiques et financiers*. document N° 1687. Paris: Les Documents d’Information de l’Assemblée Nationale.
- Assemblée Nationale. 1999b. *Proposition de loi tendant à renforcer le dispositif pénal à l’encontre des associations ou groupements constituant, par leurs agissements délictueux, un trouble à l’ordre public ou un péril majeur pour la personne humaine*. document N° 2034. Paris: Les Documents d’Information de l’Assemblée Nationale.
- Assemblée Nationale. 2000. *Proposition de loi tendant à renforcer la prévention et la répression à l’encontre des groupements à caractère sectaire*. document N° 2435. Paris: Les Documents d’Information de l’Assemblée Nationale.
- Assemblée Nationale. 2001. *Proposition de loi tendant à renforcer la prévention et la répression des mouvements sectaires portant atteinte aux droits de l’homme et aux libertés fondamentales (texte définitif)*. texte adopté N° 676. Paris: Les Documents d’Information de l’Assemblée Nationale.
- Assemblée Nationale. 2006a. *Proposition de résolution tendant à la création d’une commission d’enquête relative à l’influence des mouvements à caractère sectaire et aux conséquences de leurs pratiques sur la santé physique et mentale des mineurs*. document N° 3107. Paris: Les Documents d’Information de l’Assemblée Nationale.
- Assemblée Nationale. 2006b. *Rapport fait au nom de la commission des lois constitutionnelles, de la législation et de l’administration générale de la République sur la proposition de résolution (n° 3107) de M. Philippe Vuilque et plusieurs de ses collègues tendant à la création d’une commission d’enquête relative à l’influence des mouvements à caractère sectaire et aux conséquences de leurs pratiques sur la santé physique et mentale des mineurs, par M. Georges Fenech*. document N° 3179. Paris: Les Documents d’Information de l’Assemblée Nationale.
- Assemblée Nationale. 2006c. *Résolution créant une commission d’enquête relative à l’influence des mouvements à caractère sectaire et aux conséquences de leurs pratiques sur la santé physique et mentale des mineurs*. texte adopté N° 594. Paris: Les Documents d’Information de l’Assemblée Nationale.
- Assemblée Nationale. 2006d. *Rapport fait au nom de la commission d’enquête relative à l’influence des mouvements à caractère sectaire et aux conséquences de leurs pratiques sur la santé physique et mentale des mineurs*. document N° 3507. Paris: Les Documents d’Information de l’Assemblée Nationale.

- Assemblée Nationale and Sénat. 2001. Loi n° 2001-504 du 12 juin 2001 tendant à renforcer la prévention et la répression des mouvements sectaires portant atteinte aux droits de l'homme et aux libertés fondamentales. NOR: JUSX9903887L. *Journal Officiel de la République Française (JORF)*, 13 Juin, 133<sup>e</sup> année, N° 135: 9337–40.
- Barker, Eileen. 1984. *The Making of a Moonie: Choice or Brainwashing?* Oxford: Basil Blackwell.
- Barker, Eileen. 1986. Religious Movements: Cult and Anticult Since Jonestown. *Annual Review of Sociology* 12: 329–46. [\[CrossRef\]](#)
- Barker, Eileen. 1989. *New Religious Movements: A Practical Introduction*. London: Her Majesty's Stationery Office.
- Beckford, James A. 1985. *Cult Controversies: The Societal Response to the New Religious Movements*. London: Tavistock Publications.
- Beckford, James A. 2004. 'Laïcité,' 'Dystopia,' and the Reaction to New Religious Movements in France. In *Regulating Religion: Case Studies from Around the Globe*. Edited by James T. Richardson. New York: Springer Science+Business Media, pp. 27–40.
- Berzano, Luigi, Boris Falikov, Willy Fautré, Liudmyla Filipovich, Massimo Introvigne, and Bernadette Rigal-Cellard. 2022a. Anti-Cult Ideology and FECRIS: Dangers for Religious Freedom. *The Journal of CESNUR* 6: 3–24.
- Berzano, Luigi, Boris Falikov, Willy Fautré, Liudmyla Filipovich, Massimo Introvigne, and Bernadette Rigal-Cellard. 2022b. Sympathy for the Devil: The Anti-Cult Federation FECRIS and Its Support for Russian and Chinese Repression of Religion. *The Journal of CESNUR* 6: 25–67.
- Besier, Gerhard, and Hubert Seiwert, eds. 2012. Freedom of Religion or Belief: Anti-Sect Movements and State Neutrality (A Case Study: FECRIS). Special issue, *Religion, Staat, Gesellschaft* 13(Heft 2). Münster: LIT Verlag.
- Black, Donald J. 1993. *The Social Structure of Right and Wrong*. San Diego: Academic Press.
- Black, Donald J., and M. P. Baumgartner. 1993. Toward a Theory of the Third Party. In *The Social Structure of Right and Wrong*. Edited by Donald J. Black. New York: Academic Press, pp. 95–124.
- Bromley, David G., and James T. Richardson, eds. 1983. *The Brainwashing/Deprogramming Controversy: Sociological, Psychological, Legal, and Historical Perspectives*. New York: Edwin Mellen Press.
- Bromley, David G., ed. 2007. *Teaching New Religious Movements*. New York: Oxford University Press.
- Campos, Élisabeth. 2001. Le droit pénal français et la questions des sectes: Quelques réflexions autour d'une controverse. In *La peur des sectes*. Edited by J. Duhaime and G-R. St-Arnaud. Montréal: Les Éditions Fides, pp. 177–200.
- Chambliss, William J. 1979. On Lawmaking. *British Journal of Law and Society* 6: 149–71. [\[CrossRef\]](#)
- Chambliss, William J. 1993. On Lawmaking. In *Making Law: The State, the Law, and Structural Contradictions*. Edited by William J. Chambliss and Marjorie S. Zatz. Bloomington: Indiana University Press, pp. 3–35.
- Chambliss, William J., and Marjorie S. Zatz. 1993. Future Directions. In *Making Law: The State, the Law, and Structural Contradictions*. Bloomington: Indiana University Press, pp. 423–430.
- Champion, Françoise, and Martine Cohen. 1999. *Sectes et démocratie*. Paris: Éditions du Seuil.
- Cooney, Mark. 1994. Evidence as Partisanship. *Law and Society Review* 28: 833–58. [\[CrossRef\]](#)
- Cour européenne des droits de l'homme. 2001. *Recueil Des Arrêts Et Décisions*. Köln: Carl Heymanns Verlag.
- Davis, Stephen M. 2020. *Rise of French Laïcité: French Secularism from the Reformation to the Twenty-First Century*. Eugene: Pickwick Publications.
- Dericquebourg, Régis. 2012. FECRIS: European Federation of Research and Information Centers on Sectarianism. *Religion, Staat, Gesellschaft* 13: 183–96.
- Dillon, Jane, and James T. Richardson. 1994. The "Cult" Concept: A Politics of Representation Analysis. *SYZYGY: Journal of Alternative Religion and Culture* 3: 185–97.
- Duval, Patricia. 2017. Anti-Sect Movements and State Neutrality: The Case of FECRIS (European Federation of Centers of Research and Information on Sectarianism). *Religion, Staat, Gesellschaft* 18: 133–46.
- Duvert, Cyrille. 2004. Anti-Cultism in the French Parliament: Desperate Last Stand or an Opportune Leap Forward? A Critical Analysis of the 12 June 2001 Act. In *Regulating Religion: Case Studies from Around the Globe*. Edited by James T. Richardson. New York: Springer Science+Business Media, pp. 41–52.
- Edelman, Murray. 1985. *The Symbolic Uses of Politics*. Urbana: University of Illinois Press.
- Étienne, Bruno. 2002. *La France face aux sectes*. Paris: Hachette Littératures.
- Fautré, Willy, Alain Garay, and Yves Nidegger. 2004. The Sect Issue in the European Francophone Sphere. In *Facilitating Freedom of Religion or Belief: A Deskbook*. Edited by Tore Lindholm, W. Cole Durham, Bahia G. Tahzib-Lie, Elizabeth A. Sewell and Lena Larsen. Dordrecht: Springer Science+Business Media, pp. 595–618.
- Fokas, Effie, and James T. Richardson, eds. 2019. *The European Court of Human Rights and Minority Religions: Messages Generated and Messages Received*. London: Routledge.
- Galliher, John F., and John R. Cross. 1983. *Morals Legislation Without Morality: The Case of Nevada*. New Brunswick: Rutgers University Press.
- Galliher, John F., and Linda Basilick. 1979. Utah's Liberal Drug Laws: Structural Foundations and Triggering Events. *Social Problems* 26: 284–97. [\[CrossRef\]](#)
- Ginsburg, Gerald, and James T. Richardson. 1998. 'Brainwashing' Evidence in Light of Daubert: Science and Unpopular Religions. In *Law and Science*. Edited by H. Reece. Oxford: Oxford University Press, pp. 265–88.
- Hall, John R. 2003. The Apocalypse at Jonestown. In *Cults and New Religious Movements: A Reader*. Edited by Lorne L. Dawson. Malden: Blackwell Publishing, pp. 186–207.
- Herberg, Will. 1983. *Protestant–Catholic–Jew: An Essay in American Religious Sociology*. Chicago: University of Chicago Press.



- Hervieu-Léger, Danièle. 2004. France's Obsession with the "Sectarian Threat". In *New Religious Movements in the Twenty-First Century: Legal, Political, and Social Challenges in Global Perspective*. Edited by Phillip Charles Lucas and Thomas Robbins. New York: Routledge, pp. 40–48.
- Hervieu-Léger, Danièle, and Françoise Champion. 1986. *Vers un nouveau christianisme?* Paris: Les éditions du Cerf.
- Introvigne, Massimo. 1998. The French Observatory's First Yearly Report on Cults: A Disturbing Document. *CESNUR Website*. Available online: <https://www.cesnur.org/testi/Observatory.htm> (accessed on 29 March 2023).
- Introvigne, Massimo. 1999. La souris qui rugissait: un bref aperçu du rapport parlementaire français sur l'argent des sectes du 10 juin 1999. *CESNUR Website*. Available online: <https://www.cesnur.org/testi/souris.htm> (accessed on 29 March 2023).
- Introvigne, Massimo. 2004. Holy Mountains and Anti-Cult Ecology: The Campaign against the Aumist Religion in France. In *Regulating Religion: Case Studies from Around the Globe*. Edited by James T. Richardson. New York: Springer Science+Business Media, pp. 73–83.
- Introvigne, Massimo. 2005. A Symbolic Universe: Information Terrorism and New Religions in Cyberspace. In *Religion and Cyberspace*. Edited by Morten Hojsgaard and Margit Warburg. Routledge: London, pp. 102–17.
- Introvigne, Massimo. 2021. French Law on Separatism: "Yes, But" Says Constitutional Council. *Bitter Winter*. August 19. Available online: <https://bitterwinter.org/french-law-on-separatism-yes-but-says-constitutional-council/> (accessed on 23 June 2023).
- Introvigne, Massimo. 2022. *Brainwashing: Reality or Myth?* Cambridge: Cambridge University Press.
- Introvigne, Massimo. 2023. France Joins China and Russia by Introducing Special Police Techniques Against "Cults". *Bitter Winter*. February 1. Available online: <https://bitterwinter.org/france-special-police-techniques-against-cults/> (accessed on 26 June 2023).
- Introvigne, Massimo, and J. Gordon Melton. 1996. *Pour en finir avec les sectes: le débat sur le rapport de la commission parlementaire*. Paris: Dervy.
- Introvigne, Massimo, Willy Fautré, Bernadette Rigal-Cellard, Alessandro Amicarelli, and Frédéric-Jérôme Pansier. 2020. "Separatism", Religion, and "Cults": Religious Liberty Issues (White Paper). Torino: CESNUR. Available online: <https://www.cesnur.org/2020/separatism-religion-and-cults.htm> (accessed on 27 June 2023).
- Kaplan, Jeffrey. 1993. The Anti-Cult Movement in America: An History of Culture Perspective. *Syzygy: Journal of Alternative Religion and Culture* 2: 267–96.
- Kilbourne, Brock K., and James T. Richardson. 1984. Psychotherapy and New Religions in a Pluralistic Society. *American Psychologist* 39: 237–51. [CrossRef] [PubMed]
- Kilbourne, Brock K., and James T. Richardson. 1986. Cultphobia. *Thought: A Review of Culture and Idea* 61: 258–66. [CrossRef]
- Koscianska, Agnieszka. 2004. Anti-Cult Movements and Governmental Reports on "Sects and Cults": The Case of Poland. In *Regulating Religion: Case Studies from Around the Globe*. Edited by James T. Richardson. New York: Springer Science+Business Media, pp. 267–77.
- Kuru, Ahmet T. 2006. Passive and Assertive Secularism: Historical Conditions, Ideological Struggles, and State Policies Toward Religion. *World Politics* 59: 568–94. [CrossRef]
- Kuru, Ahmet T. 2009. *Secularism and State Policies toward Religion, The United States, France, and Turkey*. Cambridge: Cambridge University Press.
- Lardeur, Thomas. 2002. Pourquoi la bataille anti-sectes a échoué? *Prevensectes*. August 28. Available online: <https://www.prevensectes.me/rev0208.htm#22b> (accessed on 10 March 2023).
- Lewis, James R., ed. 2006. *The Order of the Solar Temple: The Temple of Death*. Aldershot: Ashgate.
- Luca, Nathalie. 2004. Is There a Unique French Policy of Cults?: A European Perspective. In *Regulating Religion: Case Studies from Around the Globe*. Edited by James T. Richardson. New York: Springer Science+Business Media, pp. 53–72.
- Lykes, Valerie A., and James T. Richardson. 2014. The European Court of Human Rights, Minority Religions, and New Versus Original Member States. In *Legal Cases, New Religious Movements, and Minority Faiths*. Edited by James T. Richardson and François Bellanger. Farnham: Ashgate, pp. 171–201.
- Mayer, Jean-François. 1999. "Our Terrestrial Journey is Coming to an End": The Last Voyage of the Solar Temple. *Nova Religio* 2: 172–96. [CrossRef]
- Mayer, Jean-François. 2014. The Order of the Solar Temple: From Apocalypse to Court. In *Legal Cases, New Religious Movements, and Minority Faiths*. Edited by James T. Richardson and François Bellanger. Farnham: Ashgate, pp. 37–54.
- McGarrell, Edmund F., and Thomas C. Castellano. 1993. Social Structure, Crime, and Politics: A Conflict Model of the Criminal Law Formation Process. In *Making Law: The State, the Law, and Structural Contradictions*. Edited by William J. Chambliss and Marjorie Sue Zatz. Bloomington: Indiana University Press, pp. 347–78.
- Ministère de l'Intérieur. 1996. Décrets du 30 avril 1996 portant reconnaissance d'associations comme établissement d'utilité publique. NOR: INTA9600094D. *Journal Officiel de la République Française*, 6 et 7 Mai, 128<sup>e</sup> année, N° 107: 6857.
- MIVILUDES. 2003. *Les dérive sectaires, rapport au Premier ministre*. Paris: La Documentation Française.
- Morelli, Anne. 1997. *Lettre ouverte à la secte des adversaires des sectes*. Bruxelles: Editions Labor.
- Muckel, Stefan, and Manfred Baldus. 2007. *Sonderband Europäische Entscheidungen: Europäische Kommission für Menschenrechte. Europäischer Gerichtshof für Menschenrechte. Europäischer Gerichtshof*. Berlin: De Gruyter Recht.
- Observatoire interministériel sur les sectes. 1998. *Observatoire interministériel sur les sectes: Rapport annuel 1997*. Paris: La Documentation Française.

- Ollion, Étienne. 2016. The French 'War on Cults' Revisited: Three Remarks on an On-going Controversy. In *State Responses to Minority Religions*. Edited by David M. Kirkham. London: Routledge, pp. 121–35.
- Ollion, Étienne. 2017. *Raison d'état: Histoire de la lutte contre les sectes en France*. Paris: Les Éditions La Découverte.
- Palmer, Susan J. 2008a. *France: Report on Research Findings regarding Abuses of Religious Freedom*. Report submitted to the Universal Periodic Review (UPR) of the Human Rights Council, UPR–France–Reference Documents. January, Available online: <https://www.ohchr.org/en/hr-bodies/upr/uprfr-stakeholders-info-s2> (accessed on 28 June 2023).
- Palmer, Susan J. 2008b. France's "War on Sects": A Post-9/11 Update. *Nova Religio* 11: 104–20. [CrossRef]
- Palmer, Susan J. 2011. *The New Heretics of France: Minority Religions, La République, and the Government-Sponsored "War On Sects"*. New York: Oxford University Press.
- Palmer, Susan J. 2022. Recent Applications of France's 2001 "Brainwashing Law": Case Studies of "Gourous" Accused of *Abus de Faiblesse*. Paper presented at Annual Meeting of European Association for the Study of Religion, Cork, Ireland, June 27–July 1.
- Pansier, Frédéric-Jérôme, Willy Fautré, and Massimo Introvigne. 2021. Projet de loi confortant le respect des principes de la République: la laïcité et les moyens de la préserver (white paper). *Bitter Winter*. January 11. Available online: <https://bitterwinter.org/a-white-paper-on-the-new-french-law-laicite-how-to-preserve-it/> (accessed on 27 June 2023).
- Possamai, Adam, and Murray Lee. 2004. New Religious Movements and the Fear of Crime. *Journal of Contemporary Religion* 19: 337–52. [CrossRef]
- Premier ministre. 1996a. Décret n° 96-387 du 9 mai 1996 portant création d'un observatoire interministériel sur les sectes. NOR: PRMX9600026D. *Journal Officiel de la République Française*, 11 Mai, 128<sup>e</sup> année, N° 110: 7080.
- Premier ministre. 1996b. Arrêtés du 12 septembre 1996 portant nomination à l'observatoire interministériel sur les sectes. NOR: PRMX9601675A. *Journal Officiel de la République Française*, 16 et 17 Septembre, 128<sup>e</sup> année, N° 217: 13847.
- Premier ministre. 1998a. Décret no 98-890 du 7 octobre 1998 instituant une mission interministérielle de lutte contre les sectes. NOR: PRMX9800130D. *Journal Officiel de la République Française*, 9 Octobre, 130<sup>e</sup> année, N° 234: 15286.
- Premier ministre. 1998b. Décret du 23 novembre 1998 portant nomination du président de la mission interministérielle de lutte contre les sectes. NOR: PRMX9803207D. *Journal Officiel de la République Française*, 23 et 24 novembre, 130<sup>e</sup> année, N° 272: 17731.
- Premier ministre. 1998c. Arrêté du 23 novembre 1998 portant nomination du conseil d'orientation de la mission interministérielle de lutte contre les sectes. NOR: PRMX9803280A. *Journal Officiel de la République Française*, 23 et 24 novembre, 130<sup>e</sup> année, N° 272: 17731.
- Premier ministre. 2001. Arrêté du 5 février 2001 portant nomination au conseil d'orientation de la mission interministérielle de lutte contre les sectes. NOR: PRMX0104659A. *Journal Officiel de la République Française*, 7 Février, 133<sup>e</sup> année, N° 32: 2088.
- Premier ministre. 2002. Décret n° 2002-1392 du 28 novembre 2002 instituant une mission interministérielle de vigilance et de lutte contre les dérives sectaires. NOR: PRMX0200164D. *Journal Officiel de la République Française*, 29 Novembre, 134<sup>e</sup> année, N° 278: 19646.
- Richardson, James T. 1980. People's Temple and Jonestown: A Corrective Comparison and Critique. *Journal for the Scientific Study of Religion* 19: 239–55. [CrossRef]
- Richardson, James T. 1991. Cult/Brainwashing Cases and Freedom of Religion. *Journal of Church and State* 33: 55–74. [CrossRef]
- Richardson, James T. 1993a. A Social Psychological Critique of "Brainwashing" Claims about Recruitment to New Religions. In *Religion and the Social Order: Handbook of Cults and Sects in America*. Edited by David G. Bromley and Jeffrey K. Hadden. Greenwich: JAI Press, pp. 75–97.
- Richardson, James T. 1993b. Definitions of Cult: From Sociological-Technical to Popular-Negative. *Review of Religious Research* 34: 348–56. [CrossRef]
- Richardson, James T. 1996. Sociology and the New Religions: "Brainwashing", the Courts, and Religious Freedom. In *Witnessing for Sociology: Sociologists in Court*. Edited by Pamela J. Jenkins and Steve Kroll-Smith. Westport: Praeger, pp. 115–34.
- Richardson, James T. 2015. Managing Religion and the Judicialization of Religious Freedom. *Journal for the Scientific Study of Religion* 54: 1–19. [CrossRef]
- Richardson, James T. 2017a. Update on Jehovah's Witness Cases before the European Court of Human Rights: Implications of a Surprising Partnership. *Religion, State & Society* 45: 232–48.
- Richardson, James T. 2017b. Managing Religion: Courts as "Partners" and "Third Party Partisans" in the Social Construction of Religious Freedom. *Religioni e Società* 32: 17–23.
- Richardson, James T. 2021a. The Myth of the Omnipotent Leader: The Social Construction of a Misleading Account of Leadership in New Religious Movements. *Nova Religio* 24: 11–25. [CrossRef]
- Richardson, James T. 2021b. The Judicialization of Religious Freedom: Variations on a Theme. *Social Compass* 68: 375–91. [CrossRef]
- Richardson, James T., and Massimo Introvigne. 2001. "Brainwashing" Theories in European Parliamentary and Administrative Reports on "Cults" and "Sects". *Journal for the Scientific Study of Religion* 40: 143–68. [CrossRef]
- Richardson, James T., and Massimo Introvigne. 2007. New Religious Movements, Countermovements, Moral Panics, and the Media. In *Teaching New Religious Movements*. Edited by David G. Bromley. New York: Oxford University Press, pp. 91–111.
- Richardson, James T., and Sajjad Adeliyan Tous. 2023. "Brainwashing" and Mental Health: An Update. In *Encyclopedia of Mental Health*, 3rd ed. Edited by Howard S. Friedman and Charlotte H. Markey. Cambridge: Academic Press (Elsevier), vol. 1, pp. 290–97.



- Richardson, James T., and Valerie A. Lykes. 2011. France and the Tax Cases against the Jehovah's Witnesses and the Aumists. Paper presented at 31th Biannual Conference of the International Society for the Sociology of Religion, Aix-en-Provence, France, June 30–July 3.
- Richardson, James T., ed. 2004. *Regulating Religion: Case Studies from Around the Globe*. New York: Springer Science+Business Media.
- Sénat. 1996. *Proposition de loi tendant à renforcer le dispositif pénal à l'encontre des associations ou groupement à caractère sectaire qui constituent, par leurs agissements délictueux, un trouble à l'ordre public ou un péril majeur pour la personne humaine ou la sûreté de l'État*. document N° 414. Paris: Bureau de Documentation du Sénat Français.
- Sénat. 1999a. *Rapport fait au nom de la commission des Lois constitutionnelles, de législation, du suffrage universel, du Règlement et d'administration générale (1) sur la proposition de loi tendant à renforcer le dispositif pénal à l'encontre des associations ou groupements à caractère sectaire qui constituent, par leurs agissements délictueux, un trouble à l'ordre public ou un péril majeur pour la personne humaine ou la sûreté de l'Etat*. document N° 131. Paris: Bureau de Documentation du Sénat Français.
- Sénat. 1999b. Dispositif pénal à l'encontre sectes: Adoption des conclusions du rapport d'une commission, séance du 16 décembre. Available online: <https://www.senat.fr/seances/s199912/s19991216/sc19991216008.html> (accessed on 18 April 2023).
- Sénat. 2001. *Rapport fait au nom de la commission des Lois constitutionnelles, de législation, du suffrage universel, du règlement et d'administration générale (1) sur la proposition de loi, modifiée par l'Assemblée Nationale, tendant à renforcer la prévention et la répression à l'encontre des groupements à caractère sectaire*. document N° 192. Paris: Bureau de Documentation du Sénat Français.
- Shterin, Marat, and James T. Richardson. 2002. The Yakunin vs. Dvorkin Trial and the Emerging Religious Pluralism in Russia. *Religion in Eastern Europe* 22: 1–39.
- Shupe, Anson, and David G. Bromley, eds. 1994. *Anti-Cult Movements in Cross-Cultural Perspective*. New York: Garland Publishing.
- Shupe, Anson, and Susan E. Darnell. 2006. *Agents of Discord: Deprogramming, Pseudo-Science, and the American Anticult Movement*. New Brunswick: Transaction Publishers.
- Smith, Hannah Clayson. 2000. Liberté, Egalité, et Fraternité at Risk for New Religious Movements in France. *BYU Law Review* 26: 1099–152.
- Ternisien, Xavier. 2001. France: A Separate Crime of “Mental Manipulation” Disappears from the Draft Anti-Cult Law, but the Substance of the Law Remains Unaltered. *CESNUR Website*. Available online: <https://www.cesnur.org/2001/jan12.htm> (accessed on 18 April 2023).
- U.S. Department of State. 2000. *Annual Report on International Religious Freedom for 2000*. Washington, DC: U.S. Government Printing Office.
- U.S. Department of State. 2010. *Country Reports on Human Rights Practices for 2008*. Washington, DC: U.S. Government Printing Office.
- Vivien, Alain. 1985. *Les sectes en France: Expression de la liberté morale ou facteurs de manipulation? rapport au Premier ministre*. Paris: La Documentation française.
- Wohlrab-Sahr, Monika, and Marian Burchardt. 2012. Multiple Secularities: Toward a Cultural Sociology of Secular Modernities. *Comparative Sociology* 11: 875–909. [CrossRef]
- Wright, Stuart A. 1995. *Armageddon in Waco: Critical Perspectives on the Branch Davidian Conflict*. Chicago: University of Chicago Press.
- Wright, Stuart A., and Susan J. Palmer. 2016. *Storming Zion: Government Raids on Religious Communities*. New York: Oxford University Press.
- Wright, Stuart A., and Susan J. Palmer. 2018. Countermovement Mobilization and State Raids on Minority Religious Communities. *Journal for the Scientific Study of Religion* 57: 616–33. [CrossRef]

**Disclaimer/Publisher's Note:** The statements, opinions and data contained in all publications are solely those of the individual author(s) and contributor(s) and not of MDPI and/or the editor(s). MDPI and/or the editor(s) disclaim responsibility for any injury to people or property resulting from any ideas, methods, instructions or products referred to in the content.