

Introduction: Scientology and the New Cult Wars

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ABSTRACT: Russian efforts aimed at “liquidating” the Church of Scientology confirm that the “cult wars,” often described as long dead in the West, continue in countries such as Russia, China, or Hungary. Media remain largely hostile to Scientology even in the West. This issue of *The Journal of CESNUR* explores developments in the Church of Scientology in the 21st century and the reasons of this persistent hostility, which appears somewhat paradoxical as both scholars and courts of law throughout the world increasingly recognize Scientology as a religion.

KEYWORDS: Scientology, Church of Scientology, L. Ron Hubbard, Anti-Extremism Laws in Russia, Anti-Cult Movement.

On March 28, 2018 the Russian federal security agency FSB raided Church of Scientology’s premises in Moscow and St. Petersburg, a further step towards the “liquidation” of Scientology in Russia (RAPSI 2018). The raids happened almost at the same time when Russia closed the American consulate in St. Petersburg and expelled several Western diplomats. International tensions may explain the timing of the raids but, as Boris Falikov illustrates in this issue of *The Journal of CESNUR*, Russian authorities had started cracking down on Scientology several years ago. In our *Research Notes* session, we offer transcripts of discussions about anti-Scientology propaganda and legal actions in Russia, and how they are being exported in other countries such as Hungary, from a recent conference in Kaunas, Lithuania, and a seminar in Bishkek, Kyrgyzstan.

We normally refer to the “cult wars” as a thing of the past, an attempt at eliciting state intervention against “cults” that was thwarted by the vigorous reaction of academic scholars of new religious movements (Gallagher 2016)—but this statement needs to be qualified. First, anti-cultism in the West was

defeated in the courts in the 1990s, and marginalized in the academia, but is still alive and kicking in the media and in popular culture. And a handful of scholars, although not supported by the majority of their colleagues, still believe in the anti-cult narrative based on brainwashing and mind control. Their views do not have a large echo, except when it comes to Scientology, whose opponents are normally taken more seriously by the media than the enemies of other religious minorities.

Second, the cult wars as a legal and political phenomenon may be out of fashion in Western Europe and the United States, but are very much alive in countries such as Russia and China. We devoted the previous issue of *The Journal of CESNUR* to China while, in this issue, we focus on Scientology East and West.

Some journal issues (and books) are better read from the end, and a good starting point here is Massimo Introvigne's review of the book edited by Stephen Kent and Susan Raine, *Scientology and Popular Culture*. It shows how anti-cultism is kept alive in the West by television, Internet, the media, and a handful of scholars who, in the case of Scientology, may occasionally involve in their projects more than the usual suspects, because of the hostility towards Scientology fueled by massive media campaigns.

The book edited by Kent, a veteran anti-Scientology crusader, and Raine, reiterates that Scientology is not a religion and that its use of celebrities and the arts is purely manipulative or for public relations purposes only. That this is not the case is proved by the articles by Luigi Berzano and Massimo Introvigne in this issue. In both his lead article and in his review of the book by the Italian scholar Aldo Natale Terrin, Berzano sums up the reasons why most scholars and courts of law have concluded that Scientology is indeed a religion. Introvigne explores the aesthetic theories of L. Ron Hubbard (1911–1986), which make him a significant thinker in the field, and discusses how they have inspired a rich generation of Scientology artists.

Accusations of wrongdoings on which claims that Scientology is not a “genuine” religion are often based are discussed in the article by J. Gordon Melton, which shows how the much maligned Sea Org is an ordained community not so much dissimilar from those found in mainline religions. Systems of rehabilitating members who committed serious offenses against the community

and the Church of Scientology, Melton insists, are also not so dissimilar from those used in monastic orders within mainline religions.

We continue the publication of additional material as *Supplements* to the *Journal*, and they include for this issue a long article in French by Frédéric Pansier about the status of Scientology as a religion under French law. In fact, Pansier goes well beyond French law to quote the most relevant international decisions on the religious nature of Scientology.

On March 19–20, CESNUR co-organized the seminar *Religion and Civil Society in the Post-Soviet Era: Central Asia and Beyond* at the American University of Central Asia in Bishkek, Kyrgyzstan. One of the sessions was devoted to Scientology. As an obvious reaction to the seminar, the Kyrgyz edition of Russian international propaganda agency *Sputnik* carried on March 29 a lengthy article on Scientology, claiming that it is “banned” in Kyrgyzstan (which is not true) and “prohibited in Australia, England, New Zealand and Greece”—the article also mentioned pending cases in “Germany, United Kingdom and Belgium” (Sputnik.kg 2018).

This is an egregious, but unfortunately typical, example of fake news propagated to justify Russian breaches of religious liberty. In none of the mentioned countries is Scientology banned. Pansier’s article details how Scientology won its cases in Australia, United Kingdom, and Germany. Internet anti-Scientology sources keep quoting old cases, some of them dating back to the 1960s and 1970s, ignoring the more recent case law. Sputnik also conveniently omits to mention that in Belgium on March 11, 2016, after one of the longest cases in Belgian legal history, Scientology obtained a resounding victory and a decision whose language was embarrassing for both anti-cultists and Belgian prosecutors, who wasted taxpayers’ money for twenty years investigating and prosecuting a criminal case that went nowhere (Tribunal de première instance francophone de Bruxelles 2016).

Unlike Pansier, Sputnik also omits to mention the landmark decision of the Italian Supreme Court (more precisely the Court of Cassation, which is the Supreme Court for jurisdictional purposes in Italy and should not be confused with the Constitutional Court) dated October 9, 1997, which led to the full recognition of Scientology as a religion in Italy (Introvigne 2014). This decision

remains extremely important in assessing the legal boundaries of the notion of religion.

The Italian Supreme Court (Corte Suprema di Cassazione 1997) regarded the theistic definition of religion adopted by the Court of Appeal of Milan in a previous decision unfavorable to Scientology as “unacceptable” and “a mistake,” because it was “based only on the paradigm of Biblical religions.” As such, the definition would exclude Buddhism, whose main Italian organization, the Italian Buddhist Union, had been recognized in Italy as a “religious denomination” since 1991. Buddhism, according to the Supreme Court, “certainly does not affirm the existence of a Supreme Being and, as a consequence, does not propose a direct relation of the human being with Him.”

It is true, the Supreme Court observes, that “the self-definition of a group as religious is not enough in order to recognize it as a genuine religion.” The Milan decision quoted the case law of the Italian Constitutional Court and its reference to the “common opinion” in order to decide whether a group is a religion. The relevant “common opinion,” however, according to the Supreme Court is rather “the opinion of the scholars” than the “public opinion.” The latter is normally hostile to religious minorities and, additionally, difficult to ascertain: one wonders, the Supreme Court notes, “from what source the Milan judges knew the public opinion of the whole national community.”

On the other hand, most scholars—according to the Supreme Court—seem to prefer a definition of religion broad enough to include Scientology and, when asked, conclude that Scientology is in fact a religion, having as its aim “the liberation of the human spirit through the knowledge of the divine spirit residing within each human being.” The 48-page decision of the Italian Supreme Court also examined some of the arguments used by critics (and by the Milan judges) in order to deny to Scientology the status of religion. Five main arguments were discussed.

1. First, critics objected that Scientology is “syncretistic” and does not propose any really “original belief.” This is, the Supreme Court argued, irrelevant, since syncretism “is not rare” among genuine religions, and many recently established Christian denominations exhibit very few “original features” when compared to older churches.

2. Second, it is argued that Scientology is presented to perspective converts as science, not as religion. The Supreme Court replies that, at least since Thomas Aquinas (1225–1274), Christian theology claims to be a science. On the other hand, Scientology’s “science” claims to lead to non-empirical results, such as “a knowledge of God,” or “of human beings as gods.” Some scientists may perhaps call it “bad science,” but it is also true that this “science” is “inherently religious.”

3. Third, critics make reference to ex-members (mostly militant apostates such as “[Jon] Atack and [Gerry] Armstrong,” quoted in the Milan decision), who claim that Scientology is not a religion but only a facade to hide criminal activities. The Supreme Court asked how we may know that the opinion of disgruntled ex-members is representative of the larger population of ex-members. Other ex-members in fact appeared as witnesses for the defense, and at any rate, the number of ex-members of Scientology appears to be quite large. The opinion of two and even twenty of them, thus, would be hardly representative of what the average ex-member believes.

4. Fourth, texts by L. Ron Hubbard, the founder of Scientology, and by early Italian leaders seem to imply that Scientology’s basic aim is to make money. Such texts’ interest in money may appear, according to the Supreme Court, as “excessive,” but “perhaps appears much less excessive if we consider how money was raised in the past by the Roman Catholic Church.” The Supreme Court quoted Ananias and Sapphira in the *Acts of the Apostles*, who died because they kept for personal use a part of what they obtained from the sale of their property and lied to the apostles, rather than giving everything to them (*Acts* 5: 1–11), as well as late Medieval controversies about the sale of indulgences. It also mentioned the fact that, until very recently, Italian Catholic churches used to affix at the church’s door “a list of services offered [Masses and similar] with the corresponding costs.” The latter comments, according to the Supreme Court, confirmed that *quid pro quo* services are more widespread among religions than the Milan judges who found against Scientology seemed to believe. Concerning Scientology, the Supreme Court went on to observe that the more “disturbing” texts on money are but a minimal part of Hubbard’s enormous literary production (including “about 8,000 works.”) They are mostly found in circular letters or bulletins intended “for the officers in charge of finances and the economic structure, not for the average member.” Finally, even if one should take at face

value the “crude” comment included in a technical bulletin of Scientology (not written by Hubbard) that “the only reason why LRH [L. Ron Hubbard] established the Church was in order to sell and deliver Dianetics and Scientology,” this would not mean, according to the Supreme Court, that Scientology is not a religion. What is, in fact, the ultimate aim of “selling Dianetics and Scientology”? There is no evidence, the Supreme Court suggests, that such “sale” is only organized to assure the personal welfare of the leaders. If “sales” are intended as a proselytization tool, then making money is only an intermediate aim. The ultimate aim is “proselytization,” and this aim “could hardly be more typical of a religion,” even if “according to the strategy of the founder [Hubbard], new converts are sought and organized through the sale and delivery of Dianetics and Scientology.”

5. A fifth objection discussed by the Supreme Court was that Scientology is not a religion, since, according to the Milan judges, some Italian Scientologists were guilty of “fraudulent sales techniques,” or abused of particularly weak customers when “selling” Dianetics or Scientology. These illegal activities, the Supreme Court commented, should be investigated and prosecuted on a case by case basis, but there is no evidence that they may have been more than “occasional deviant activities” of individual members within the Milan branch, “with no general significance” concerning the nature of Scientology in general.

The Italian Supreme Court 1997 decision on Scientology includes one of the most important discussions, so far and at an international scale, of how courts may apply existing laws requiring them to decide whether a specific group is, or is not, a religion. It argues that the non-existence of a legal definition of religion in the Italian and other Constitutions “was not coincidental.” Any definition would rapidly become obsolete and, in fact, limit religious liberty. It is much better, according to the Italian Supreme Court, “not to limit with a definition, always by its very nature restrictive, the broader field of religious liberty.” “Religion” is an ever-evolving concept, and courts may only interpret it within the frame of a specific historical and geographical context, taking into account the opinions of the scholars.

Twenty years after the decision of the Italian Supreme Court, Scientology remains a test case for defining the legal and cultural meaning of “religion” in the 21st century. It is for this reason that the articles in this issue of *The Journal of CESNUR* and the Supplement should be of interest for scholars of law and

religion, both because of the relevance of Scientology as one of the most significant new religions and of the broader significance of the legal and theoretical issues they discuss.

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