

Documents

An Open Letter to the Israeli Supreme Court on the Ambash Case

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ABSTRACT: This open letter was submitted by a contingent of international scholars to the Supreme Court in Israel, in conjunction with the new appeal of Daniel Ambash against his prison sentence. From the verdict, it is clear that a preconceived narrative has driven the investigation. We argue that stereotypes about religious “cults” and discredited ideas of “mind control,” “mental slavery,” and “brainwashing” have strongly influenced the court case. The court documents are replete with language intended to frame Daniel Ambash as the mastermind controlling a dangerous group. The precedent-setting finding that atrocities could happen by proxy has ominous repercussions for religious freedom and personal civil liberties, as well as for criminal liability.

KEYWORDS: Brainwashing, Breslover Hasidim, Crimes by Proxy, Cults, Daniel Ambash, Mental Slavery, Mind Control, NaNach Movement, Religion in Israel, Religious Freedom.

AN OPEN LETTER in the case of the respondent in Criminal Appeal 8027/13 and the Appellant in Criminal Appeal 8104/13, the appeal and counter-appeal against the verdict and sentence of the Jerusalem District Court, dated August 10, 2013; and from 17.10.2013, in Severe Criminal File 6749-08-11; and in Severe Criminal File 6774-08-11:

We are writing here in our capacity as scholars of contemporary religiosity, spirituality, and social science, with awareness that the Ambash case has international implications for religion in legal contexts.

In this letter, we don’t address all the issues evoked by the verdict. We do wish to argue that the precedent-setting finding that atrocities could happen by proxy has ominous repercussions for religious freedom and personal civil liberties, as well as for criminal liability.

From the verdict, it is clear that a preconceived narrative has driven the investigation. The court documents are replete with language intended to frame the group as a religious “cult,” with Daniel Ambash as the mastermind, controlling group members in a way that is typical to the “colorful” narrative commonly known as “brainwashing” or “mind control,” a theory that was dismissed in scholarly researches.

The notion of “mental slavery” that recurs in the verdict draws directly on theories of “mind control,” which have been ruled inadmissible in courts worldwide—including Israeli ones—and contested by renowned scholars around the world for various problems. Mind control theory asserts that it is possible to use manipulative (mainly psychological) techniques to control the thoughts and actions of a victimized person, robbing them of free will and turning them into obedient “robots.”

There are several problems with this theory, with two main issues being non-falsifiability and the lack of consistency and predictability. Anyone can point to another person and claim she or he was brainwashed—there is no way of proving this is untrue, neither to establish this claim. Several of Ambash’s partners maintain they were never “mental slaves.” Can women stay “brainwashed” for so many years after the imprisonment of their victimizer? Also, how does one assert that even though some women were able to free themselves from the mastermind, others could not, and that they were not able to leave although they were venturing out of the house every day and sometimes living in another remote town? There are consistent statements from several witnesses that their acts were consensual. Can the court decide that adult persons didn’t want a form of relationship or sex, despite their obstinate claims? (Additionally, it is disturbing that key witnesses avoided prosecution by cooperating with the court and implicating Daniel Ambash, and were kindly rewarded for cooperating with the police. Those witnesses are understood as “recovering” from their brainwashing when accepting the prosecution’s offerings).

It is important to remember that the “mental slavery” claim bears grave implications not only for due process, but for being able to deflect responsibility for serious crimes. This kind of precedent will have enormous distressing implications not only in this case, nor for religious freedom, but to the foundations of liberal society.

The verdict not only has “mind control” and “brainwashing” as its strong obvious subtext, but also adopts stereotypes about “religious cults.” Daniel Ambash is ascribed a “charismatic personality,” who desires full control over others in a way that is exceptionally predatory, and they are described once and again as “robots.” The presentation of him as “manipulative” derives from the assumption that all “cult leaders” act this way. Nevertheless, the indictment itself also states that he was seemingly unaware of many things happening in the household, or opposed them.

Other details in the indictment are irrelevant, and it seems they were included to flesh out the portrait of the group as a religious “cult.” A key example is the charge that the wives in the Ambash family were intentionally separated from their families. It is important to note that disconnecting relationships—or encouraging to do so—is legal, and should be, even if painful to some people. Nevertheless, the fact is this redundant claim is not at all accurate. Many facts included in the

indictment are actually not at all crimes, and should not appear there. It is the “mind control” theory that makes them allegedly relevant to the court’s inquiry. This allows for one’s personal life to be open to state investigation. By depriving some witnesses the right to privacy, and framing their consensual interactions as “mind control,” the court comes to define private behavior as illegal.

We conclude that the “mental slavery” hypothesis has corrupted the presentation of facts in this case—at least for several charges. It raises questions of due process that should be considered for all the charges, so as to argue for new hearing of the case. We also call to rescind the background basis of the verdict, namely the “brainwashing” theory, and start anew, looking at the facts in a fresh look. We believe that then, it will be able to restore appropriate due-process procedures and re-interpret the case in a fair and reasonable context.

To whomever it might concern, we would be willing to support our letter with more information and documentation and provide representative(s) for expert opinion.