

Dangerous Freedoms: Jehovah’s Witnesses, Religious Liberty, and the Questions of Sexual Abusers and Disfellowshipped Ex-Members

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ABSTRACT: Sociologist Hans Joas sees the coexistence, and sometimes conflict, of three forms of sacralizations in modern history: religious sacralization, and the sacralizations of the nation and the person. The article argues that today the “religion of God” defends its religious liberty against some excessive claims both by the “religion of the state” and the “religion of the person.” Like canaries in the coal mine, Jehovah’s Witnesses are often the first to be hit, both by the “religion of the state” in non-democratic regimes that deny their individual religious liberty, and by the “religion of the person” in modern democracies where their corporate religious liberty is under attack. By defending their rights to be free from interferences of the states when they decide which members should be disfellowshipped (and as a consequence shunned or “ostracized”), even when these members are accused of sexual abuse (a different question with respect to whether they should be reported to secular authorities), the Jehovah’s Witnesses are again today at the cutting edge of the defense of religious liberty against the most subtle and dangerous forms of assault.

KEYWORDS: Jehovah’s Witnesses, Religious Liberty, Freedom of Religion and Belief, Sexual Abuse and Religion, Shunning and Religion, Ostracism.

Three Forms of Sacralization and Their Conflicts

The struggle of the Jehovah’s Witnesses for their individual and corporate religious freedom throughout the world is one of the most relevant issues in the global scenario of religious liberty and persecution. It is also a mirror reflecting crucial questions in the contemporary sociology of religion.

Perhaps the issue most frequently discussed by sociologists of religion is secularization. In his 2017 book, *Die Macht des Heiligen*, German sociologist

Hans Joas offered an original answer to the decade-old question whether secularization is a theory invented by some anti-religious scholars, or a real phenomenon. Joas believes that the situation of some Western European countries shows that a society without organized religion, or where organized religion only interests a small minority, is at least theoretically possible, if not already present. Building on the early sociology of religion of Émile Durkheim (1858–1917), but going beyond it, Joas argues that there may be societies without (organized) religion, but not societies without sacralization. Religion is not the only possible form of sacralization. History also knows a “sacralization of the nation” (or the state, or the country), and a “sacralization of the person” (Joas 2017, 475–79).

An alternative to Joas’ terminology would be to see three “religions” at work in history: the “religion of God” (where “God” can be personal or impersonal, and there can be one God or many), the “religion of the nation” (or “of the state,” although state and nation are obviously not the same), and the “religion of the person.” Other relevant insights by Joas are that the sacralization of the nation, at least since the late 18th century, is present everywhere, in democratic as well as in totalitarian states, although in different forms, that modern sacralization of the person centers on human rights (Joas 2011), and that some conflict between the three forms of sacralization is unavoidable.

I would argue that here precisely lie the core problems of religious liberty in the 20th and 21st centuries. The forms of sacralization are different, but the human individual is one, and inhabits different spheres at the same time. One may be a member of a particular “religion of God,” yet being subject to the “religion of the nation” as a citizen, and partaking of the “religion of the person” as a general cultural climate. This situation may be lived as not conflictual. One example is Alcide De Gasperi (1881–1954), who was Prime Minister of Italy between 1945 and 1953. He was such a pious Catholic that he is now being considered for beatification. At the same time, he certainly regarded himself as an Italian patriot, and was an enthusiastic apologist of the then newly proclaimed Universal Declaration of Human Rights (Romano 2008).

Conflict, however, is also frequent. Each of the three “religions” may exhibit a tendency to affirm itself against the others. This is also true for the “religion of the person” and human rights, which may at first sight look as the more benign and less dangerous form of sacralization. One problem, here, is that the concept

of human rights is not uncontested, and there is a continuous tendency to add or claim new rights. Feminists and the LGBT community, or more recently the Black Lives Matter movement, for example, claim, and in their own way “sacralize,” “new” rights that may create conflicts with the “religion of God.” Feminists claim for women the right to access all positions and offices, while several religions reserve their priesthood and higher offices to males. LGBT activists may see religions teaching that homosexuality is a sin as infringing their rights to be respected and not discriminated. During the Black Lives Matter protests, statues of saints and other religious figures that the movement accused of having supported colonialism and racism were vandalized or destroyed, in incidents that some religionists have in turn perceived as an assault on their religious freedom.

Cardinal Joseph Ratzinger, later Pope Benedict XVI, whose richness of analysis of religious liberty is unsurpassed among Catholic theologians, saw new, growing conflicts between (what I call here) “religion of God” and “religion of the person,” due to the emergence of “new human rights,” joining old conflicts between the “religion of God” and the “religion of the nation.” Ratzinger was, of course, aware that religious liberty is in itself part of human rights, but distinguished between individual and corporate freedom of religion. In modern democratic societies, Ratzinger noted, it is generally accepted that individuals have a freedom to believe or not to believe, but it is less accepted that corporate religious bodies have rights of their own (see Introvigne 2012).

Ratzinger, however, did not fully elaborate on the question of the limits of corporate freedom of religion. The latter is limited by other essential human rights. A religion cannot claim that organizing human sacrifices is part of its corporate freedom. But what other human rights should be considered essential? Ratzinger saw something important, that corporate religious liberty is at risk today because of the sacralization and expansion of the “religion of the person,” centered on both old and new human rights. But almost all his examples of corporate religious liberty worth being defended concerned the Catholic Church.

There is, however, a political and legal Vatican document endorsed by Pope Benedict XVI that was highly significant in this respect. On January 23, 2013, shortly before he announced his resignation, the Pope authorized the Permanent Representation of the Holy See to the Council of Europe to publish a note on two cases then being examined by the European Court of Human Rights, *Sindicatul “Păstorul cel Bun” v. Romania* and *Fernández-Martínez v. Spain* (Permanent

Representation of the Holy See to the Council of Europe 2013). Both cases would be eventually decided by the Grand Chamber according to the Holy See's recommendations. *Fernández-Martínez* affirmed the right of the Catholic Church, who under the Concordat with Spain designates the teachers of religion and ethics in Spanish public schools, who are then appointed and remunerated by the government, to ask the Ministry of Education to dismiss an ex-priests whose teachings were no longer in accordance with the Church's (European Court of Human Rights 2014).

While *Fernández-Martínez* concerned the Catholic Church, *Sindicatul* affirmed the right of the Romanian Orthodox Church to prevent his priests from forming an unauthorized trade union, both by disciplining them and by persuading the government to de-register the union (European Court of Human Rights 2013). Although *Sindicatul* was about a non-Catholic organization, the Vatican document supporting the Romanian Orthodox Church was still written with a primary reference to the Catholic Church itself:

A member of the lay faithful or a religious cannot, with regard to the Church, invoke freedom to contest the faith (for example, by adopting public positions against the Magisterium) or to damage the Church (for example, by creating a civil trade union of priests against the will of the Church). It is true that every person is free to contest the Magisterium or the prescriptions and norms of the Church. In case of disagreement, everyone may exercise the recourses provided by canon law and even break off his relations with the Church. Since relations within the Church are, however, essentially spiritual in nature, it is not the State's role to enter into this area to settle disputes (Permanent Representation of the Holy See to the Council of Europe 2013, no. 3).

It was also the case that the ecclesiastical structure of the Romanian Orthodox Church is not too dissimilar from the Catholic one. We may wonder whether the Holy See would have taken the same position, had the corporate religious freedom rights of groups labelled as "cults" and annoying the Catholics with their proselytization practices been at stake. The Vatican Note, however, affirmed a general principle that "it is not the State's role to enter into the area" of internal church discipline, and that the freedom of the single devotee is guaranteed by his or her right to leave the church in case of disagreement, not by pretending that the church adapts to beliefs and practices it regards as unorthodox.

Canaries in the Coal Mine: Jehovah's Witnesses and Individual Religious Liberty

The Jehovah's Witnesses powerfully contributed to the advancement of religious liberty in the world's courts. Like the proverbial canaries in the coal mine, they opened the way, at times through great efforts and suffering, and obtained decisions that went to the benefit of many other religious groups.

This is not coincidental, and is in fact deeply rooted in the Jehovah's Witnesses' theology. They regard any form of sacralization of the nation as contrary to the rights of God. They do not vote, do not join political parties, refuse to serve in the Army, and do not salute flags, precisely because they interpret all these acts as implicitly denying their exclusive allegiance to the Kingdom of God.

In the United States, the Jehovah's Witnesses have been defined as “a catalyst for the evolution of the Constitutional law” (McAninch 1987), as they obtained key Supreme Court and other decisions upholding their rights to conscientious objections, not to vote, not to salute the flag, recite the pledge of allegiance, nor sing the national anthem (Manwaring 1962).

In all or most of these cases, however, the Jehovah's Witnesses were insisting on the rights of individual believers to refuse what Joas calls the “sacralization of the nation.” Their legal struggles, as Shawn Francis Peters argued in 2000, were parts of the “rights revolution,” affirming the person's rights against the pretenses of the state (Peters 2000).

The Jehovah's Witnesses' right to follow the “religion of God” and reject the “religion of the nation” has been affirmed in the United States and other democratic countries, but does not prevail everywhere. In South Korea, the Witnesses are still struggling to see their right to conscientious objection recognized, notwithstanding a favorable Constitutional Court decision in 2018 (Kwang 2018), and an equally favorable opinion of the United Nations Working Group on Arbitrary Detention in the same year (Human Rights Council, Working Group on Arbitrary Detention 2018). The situation in Russia is well-known. In China, although the Jehovah's Witnesses are not officially included in the list of *xiejiao* (groups banned as “heterodox teachings,” an expression often incorrectly translated as “evil cults”), on June 30, 2020, the Korla City People's Court, in Xinjiang, sentenced 18 of them to heavy jail penalties, applying Article 300 of the

Chinese Criminal Code, which refers to *xie jiao* (Korla City People's Court 2020; Chang 2020).

The Chinese case deserves a short comment. Recent research has evidenced that the sacralization of the state is a constitutive part of modern China, and continues in the present-day Communist regime (Walsh 2020). Wu Junqing has explored the concept of *xie jiao* through Chinese history, arguing that those who were banned as *xie jiao* were movements perceived as offering a competing sacralization with respect to the state, through “black magic” (opposed to the state’s “white magic”) and messianism (opposed to the state’s own messianic role). The contemporary Chinese Communist Party has inherited this concept, and “black magic” has been secularized into accusations of “brainwashing” and mind control (Wu 2016, 2017). Whether or not the Jehovah’s Witnesses are officially listed as *xie jiao*, they are perceived as living outside the sphere of the sacralized Chinese state, which is enough to go to jail in contemporary China.

When they struggle to protect their *individual* religious freedom against the states, the Jehovah’s Witnesses may find allies in those who do not believe in the “religion of God,” yet believe in the “religion of the person” and of human rights. After all, except some extreme anti-cultists, few would not defend the Jehovah’s Witnesses when they are detained and tortured in China (Chang 2020), or Russia, for no other reason than peacefully practicing their faith (Rainsford 2019; *The Moscow Times* 2020). Indeed, those who promote the sacralization of the person are glad to cooperate with all those who can help them in “desacralizing the state” (Joas 2017, 478). However, religionists and libertarians make strange bedfellows, and their cooperation may turn into conflict when *corporate*, rather than individual, religious liberty is at stake.

A Different Freedom: Corporate Religious Liberty, Disfellowshipping Practices, and “Ostracism”

As the Vatican note of 2013 clarified, new problems arise when some ask the states to intervene and protect human rights “within the church[es.]” Clearly, those who join a religion do not intend to abdicate their basic human rights. They do not authorize their religious leaders to rape or kill them and, should they give such an authorization, it would be null and void under the secular laws of the

state. The question, however, is whether when joining a religion, devotees can, and perhaps should, abdicate *some* human rights.

The question easily gets emotional when dealing with religions, and scholars who answer in the affirmative are easily accused of defending abusive religious leaders. To make it less emotional, we can start by observing that joining *any* social formation involves surrendering human rights that would otherwise exist. By marrying, in a monogamic society, one surrenders the basic human right to marry—i.e., to marry again, without passing through a divorce, and even in most polygamic societies the number of wives allowed is limited. By joining a political party, one surrenders his right to campaign for a rival party (indeed, expulsions from political parties for this and lesser reasons are common, and not generally regarded as objectionable). By doing consulting work for a law firm, one often signs an agreement where the right to work or consult with some rival law firms is surrendered. And so on.

The European Court of Human Rights in its *Sindicatul* decision observed that Article 9 of the [European Human Rights] Convention [which protects freedom of religion and belief] must be interpreted in the light of Article 11, which safeguards associations against unjustified State interference. Seen from this perspective, the right of believers to freedom of religion encompasses the expectation that the community will be allowed to function peacefully, free from arbitrary State intervention. The autonomous existence of religious communities is indispensable for pluralism in a democratic society and is an issue at the very heart of the protection which Article 9 affords. It directly concerns not only the organization of these communities as such but also the effective enjoyment of the right to freedom of religion by all their active members. Were the organizational life of the community not protected by Article 9, all other aspects of the individual's freedom of religion would become vulnerable (European Court of Human Rights 2013).

We find here the key statement that, in order to be real, religious freedom should include *corporate* religious liberty, i.e. the right of a religious community to organize itself as it deems fit, which is also a pre-condition for the “effective enjoyment” of *individual* religious liberty by its members.

The problem, which is both cultural and legal, is that those embracing some more radical versions of the “religion of the person” view with suspicion the fact that certain individuals may decide to surrender some of their human rights to acquire membership in a corporate body, religious or otherwise. They may even claim that the state should protect them against themselves, or that, if they accept

to surrender their human rights to a religion, they are victims of brainwashing or mind control, a notion debunked by mainline scholarship (Richardson 1996, 2014, 2015; USCIRF 2020) but still popular with some media and the anti-cultists.

The Jehovah's Witnesses discovered that they were entering a second phase of their struggle for religious freedom, one where they should defend their corporate religious liberty and could not count on the support of non-religious libertarians defending individual human rights, when they started being sued by disfellowshipped ex-members. These ex-members claimed that their human rights had been violated by the Jehovah's Witnesses, as a corporate body, in two different ways. First, they claimed they had been disfellowshipped unfairly or unjustly. Second, after being disfellowshipped, they had been subject to "ostracism," i.e. other Jehovah's Witnesses, including their closest friends, had started shunning them. They did not sue their former friends, but the Jehovah's Witnesses' corporate organizations for teaching the practice.

It is important to note that an exception to shunning is, however, made for members of the immediate family, as illustrated in numerous texts published by the Jehovah's Witnesses.

What of a man who is disfellowshipped but whose wife and children are still Jehovah's Witnesses? The religious ties he had with his family change, but blood ties remain (Christian Congregation of Jehovah's Witnesses 2020).

Since [...] being disfellowshipped does not sever the family ties, normal day-to-day family activities and dealings may continue. Yet, by his course, the individual has chosen to break the spiritual bond between him and his believing family. So loyal family members can no longer have spiritual fellowship with him. For example, if the disfellowshipped one is present, he would not participate when the family gets together for family worship (Christian Congregation of Jehovah's Witnesses 2008, 208).

If in a Christian's household there is a disfellowshipped relative, that one would still be part of the normal, day-to-day household dealings and activities ("Imitate God's Mercy Today" 1991, 22).

This is not a new development. In 1974, *The Watchtower* explained that,

Since blood and marital relationships are not dissolved by a congregational disfellowshipping [sic] action, the situation within the family circle requires special consideration. A woman whose husband is disfellowshipped [sic] is not released from the Scriptural requirement to respect his husbandly headship over her; only death or Scriptural divorce from a husband results in such release. (Rom. 7:1-3; Mark

10:11, 12) A husband likewise is not released from loving his wife as “one flesh” with him even though she should be disfellowshipped [sic] (Matt. 19:5, 6; Eph. 5:28–31) (“Maintaining a Balanced Viewpoint Toward Disfellowshipped [sic] Ones” 1974, 470).

In 1981, *The Watchtower* reiterated that, “if a relative, such as a parent, son or daughter, is disfellowshipped [sic] or has disassociated himself, blood and family ties remain,” while “spiritual fellowship” ceases (“If A Relative Is Disfellowshipped [sic]” 1981, 28).

In 1988, the magazine stated again that,

A man who is disfellowshipped or who disassociates himself may still live at home with his Christian wife and faithful children. Respect for God’s judgments and the congregation’s action will move the wife and children to recognize that by his course, he altered the spiritual bond that existed between them. Yet, since his being disfellowshipped does not end their blood ties or marriage relationship, normal family affections and dealings can continue (“Discipline That Can Yield Peaceable Fruit” 1988, 28).

The first substantial discussion of the practice of “shunning” disfellowshipped members of the Jehovah’s Witnesses is included in the 1987 decision of the United States Court of Appeal for the Ninth Circuit *Paul v. Watchtower Bible and Tract Society of New York, Inc.*, which is quoted in all subsequent American cases. The court acknowledged that the plaintiff has experienced some unpleasant incidents in being “shunned” by those who were once close friends who were Jehovah’s Witnesses after she was disfellowshipped. Nonetheless, the court maintained that,

Shunning is a practice engaged in by Jehovah’s Witnesses pursuant to their interpretation of canonical text, and we are not free to reinterpret that text. Under both the United States and Washington Constitutions, the defendants are entitled to the free exercise of their religious beliefs.

The Jehovah’s Witnesses, the court reported,

argue that their right to exercise their religion freely entitles them to engage in the practice of shunning. The Church further claims that assessing damages against them for engaging in that practice would directly burden that right. We agree that the imposition of tort damages on the Jehovah’s Witnesses for engaging in the religious practice of shunning would constitute a direct burden on religion.

The court observed that punishing shunning would have dramatic consequences for the religious freedom of the Jehovah’s Witnesses.

Imposing tort liability for shunning on the Church or its members would in the long run have the same effect as prohibiting the practice, and would compel the Church to

abandon part of its religious teachings. [...] The Church and its members would risk substantial damages every time a former Church member was shunned. In sum, a state tort law prohibition against shunning would directly restrict the free exercise of the Jehovah's Witnesses' religious faith (United States Court of Appeal, Ninth Circuit, 1987).

The plaintiff argued that shunning had caused to her emotional distress. This may well be true, the court answered, but the harm was

clearly not of the type that would justify the imposition of tort liability for religious conduct. No physical assault or battery occurred. Intangible or emotional harms cannot ordinarily serve as a basis for maintaining a tort cause of action against a church for its practices—or against its members. [...] Offense to someone's sensibilities resulting from religious conduct is simply not actionable in tort. [...] Without society's tolerance of offenses to sensibility, the protection of religious differences mandated by the first amendment would be meaningless (United States Court of Appeal, Ninth Circuit, 1987).

In this old decision, we find already a convincing criticism of the anti-cult claims based on “emotional harm.” While “physical assault or battery” are clearly not justified by an appeal to freedom of religion, if courts were allowed to sanction religious groups for inflicting “emotional harm,” that would be the end of religious liberty as we know it. And perhaps of other liberties, too. One can imagine a student suing a professor for the “emotional harm” suffered after failing an exam. The court correctly concluded that,

The members of the Church [Ms.] Paul decided to abandon have concluded that they no longer want to associate with her. We hold that they are free to make that choice. The Jehovah's Witnesses' practice of shunning is protected under the first amendment of the United States Constitution (United States Court of Appeal, Ninth Circuit, 1987).

In 2007, the Court of Appeals of Tennessee observed that,

The Church [the congregation of the Jehovah's Witnesses] argues that the freedom of religious bodies to determine their own membership is such a fundamentally ecclesiastical matter that courts are prohibited from adjudicating disputes over membership or expulsion. We agree. Because religious bodies are free to establish their own guidelines for membership and a governance system to resolve disputes about membership without interference from civil authorities, decisions to exclude persons from membership are not reviewable by civil courts.

Concerning the “shunning” of disfellowshipped ex-members, the court stated that,

The doctrines of the Jehovah's Witnesses and their reading of scripture require that their members ostracize individuals who have been disfellowshipped. While there is no question that this practice has resulted in a painful experience for the Andersons [the plaintiffs in the case], the law does not provide a remedy for such harm. For example, in other contexts, family members sometimes become estranged from each other for various reasons on their own volition, and the law does not recognize a basis for suit for the pain caused by such estrangement. Courts are not empowered to force any individual to associate with anyone else [...]

Shunning is religiously based conduct, a religious practice based on interpretation of scripture, and is subject to the protection of the First Amendment. [...]

Shunning is a part of the Jehovah's Witnesses belief system. Individuals who choose to join the Church voluntarily accept the governance of the Church and subject themselves to being shunned if they are disfellowshipped. The practice is so integrally tied to the decision to expel a member that it is beyond judicial review for the same reasons as the membership decision. Conduct that is inextricably tied to the disciplinary process of a religious organization is subject to the First Amendment's protection just as the disciplinary decision itself (Court of Appeal of Tennessee 2007).

Also, in 2007, the Justice Court of Bari, in Italy, in a well-publicized case, rejected the claims of a disfellowshipped ex-Jehovah's-Witness who happened to be a lawyer. The court concluded that, even if the principles governing the ecclesiastical system of the Jehovah's Witnesses are different from those of the Italian law, once they have been correctly followed in disfellowshipping a certain individual, secular courts cannot interfere with the decision (Tribunale di Bari 2007; see also Tribunale di Bari 2004).

In 2010 the Administrative Court of Berlin examined a complaint by a disfellowshipped Jehovah's Witness against the public announcement in congregational meetings of the measure against him, since "members of the association should have no social contact with disfellowshipped persons," and it would become impossible for him to "to have a picnic, celebrate, do sports, go shopping, go to the theatre, have a meal at home or in a restaurant" with those who used to be his friends and remained in the Jehovah's Witnesses. The court denied the request, commenting that the Jehovah's Witnesses' policy on these matters "is not subject to state authority" and is protected by "freedom of religion, the separation of Church and state, and the right of religious associations to self-determination." How the Jehovah's Witnesses decide to "exercise their constitutionally guaranteed right to self-determination" is something the state should not interfere with. Disfellowshipping policies and the

so called “ostracism” are “internal church measures” (Verwaltungsbericht Berlin 2010).

The Italian Supreme Court (Cassazione) in 2017 ruled that the so called “ostracism” is also protected by the principle of non-interference. The decision observed that in this case “ostracism” is “a refusal to associate” with the disfellowshipped ex-member, and “no law requires a person to behave in the opposite manner.” As a conclusion, “no discrimination took place.” Even if one would argue that refusing to associate with disfellowshipped members violate “good manners and civilized behavior,” this would not “constitute a justiciable crime or civil tort.” Individuals, and even a whole “category,” have a right to decide to “break off or interrupt personal relations,” and courts have no business in telling them otherwise (Corte di Cassazione 2017).

In 2018, in *Judicial Committee of the Highwood Congregation of Jehovah's Witnesses and Highwood Congregation of Jehovah's Witnesses v. Randy Wall*, a unanimous Supreme Court of Canada reiterated that “secular judicial determinations of theological or religious disputes, or of contentious matters of religious doctrine, unjustifiably entangle the court in the affairs of religion.” It added that, “even the procedural rules of a particular religious group may involve the interpretation of religious doctrine,” and concluded that, “these types of [religious] procedural rules are also not justiciable” (Supreme Court of Canada 2018 [SCC 26]).

More recently, on March 17, 2020, in *Otuu v. Morley and Watch Tower Bible and Tract Society of Britain*, the Court of Appeal in London, Queen's Bench Division (Court of Appeal [London], Queen's Bench Division 2020), upheld a High Court decision of 2019, which found that,

In accordance with Matthew 18:15–17 (the procedural compliance with which is not itself justiciable) it is to be expected that a [Christian] religious body which is guided by and which seeks to apply scriptural principles will have the power to procure that in an appropriate case a sinner can be expelled. Among other things, this is sensible, if not essential, because someone who is unable or unwilling to abide by scriptural principles not only does not properly belong as a member of such body but also, unless removed, may have an undesirable influence on the faithful.

Protecting the faithful from such an “undesirable influence” is thus not a violation of the disfellowshipped member's human rights, but a right of the congregation (High Court of Justice, Queen's Bench Division 2019). The community's right

to articulate and enforce its code of conduct is also part of its corporate religious liberty.

This body of decisions is now substantial. Critics quote the 2019 Spiess decision by the District Court of Zurich (Bezirksgericht Zürich 2019), but the Jehovah's Witnesses were not the defendants in the case. They had filed a criminal complaint against an anti-cult activist who had claimed in an interview that their "ostracism" practices and how they handle cases of sexual abuses are dangerous practices contrary to human rights. The judge found the activist not guilty, regarding some statements as true and others as uttered in good faith. As I and Alessandro Amicarelli have explained elsewhere (Introvigne and Amicarelli 2020), the Jehovah's Witnesses were not on trial in Zurich, were not interrogated, and did not have a chance to defend themselves. We regard the verdict as wrong, but it only establishes that Mr. Spiess did not commit the criminal offense of defamation.

In fact, everything that needed to be said was already said in 1987 in the *Paul* decision. It is true that those who join the Jehovah's Witnesses surrender some of their human rights. The adherents are well aware, and the elders make sure this is the case before baptism, of both the Jehovah's Witnesses' moral standards and the consequences for violating them. They are aware that they may be disfellowshipped and shunned, which may be very unpleasant. If they want to avoid this risk, they should simply not join the Jehovah's Witnesses, or leave them voluntarily. The human rights involved in being disfellowshipped and shunned are not imaginary—but, unlike, say, the right to life or to sexual integrity, they are *alienable* rights, in the sense that they can be surrendered in a legally valid matter, and irrespective of the discussion whether there is a general distinction between unalienable and "ad hoc" human rights, to which I will return in the last paragraph. Disposing of them may offend certain sensibilities, but "without society's tolerance of offenses to sensibility, the protection of religious differences [...] would be meaningless" (United States Court of Appeal, Ninth Circuit, 1987).

In this respect, the Jehovah's Witnesses acted as the canaries in the coal mine again. They came back with the good news that, even at a time when the sacralization of the person advances at full speed, and new rights are created and sacralized, in a democratic society the "religion of God" may lawfully maintain enclaves where it is protected. This protection, as we have argued when

commenting the Spiess decision (Introvigne and Amicarelli 2020), benefits many other religions. Several religions have, or had until recent times, practices similar to the Jehovah's Witnesses' disfellowshipping process and "ostracism." Thanks to the Jehovah's Witnesses, they now know that these practices are part of their protected corporate religious liberty.

Sexual Abuse and Corporate Religious Liberty

The second assault on the corporate religious liberty of the Jehovah's Witnesses has been conducted in the area of sexual abuse. There is a growing and justified societal concern for sexual abuse in general, and religions are often criticized for protecting their abusive ministers from prosecution by secular courts (Shupe 1995, 1998, 2000, 2007). Anson D. Shupe's (1948–2015) theory of "clergy malfeasance" argued that the risk is maximum when a clergy presides on closed communities of vulnerable male and female children or teenagers. This would predict a lower incidence of sexual abuse, with respect to other religions, among the Jehovah's Witnesses, which do not operate "institutions" such as Sunday Schools, catechisms, kindergartens, schools, boarding schools, or similar.

Nonetheless, official reports and studies commissioned by public authorities, including one by a Royal Australian Commission in 2017 (Royal Commission into Institutional Responses to Child Sexual Abuse 2017) and a study by researchers from the University of Utrecht (van den Bos et al. 2019), on which the Dutch Minister for Legal Protection, Sander Dekker, based some controversial statements in August 2020 (Pieters 2020), have included the Jehovah's Witnesses among the groups where problems of unreported or under-reported sexual abuse exist.

I am a co-author of an Expert Report criticizing the Utrecht study (Folk, Introvigne, and Melton 2020), and we have discussed there some substantive issues on how sexual abuse is dealt with among the Jehovah's Witnesses. Here, I will focus on the connection between criticism of how the Jehovah's Witnesses handle cases of sexual abuse and corporate religious liberty.

This is a classical case where the same individuals are part of two different communities, regulated by two different systems of laws and regulations, which

are both in their own way sacralized. A Jehovah's Witness is subject to the ecclesiastical jurisdiction of its congregation and is, at the same time, subject to the secular jurisdiction of state courts and law enforcement agencies. The two jurisdictions may operate in parallel without conflicts, but in other cases conflicts and delicate problems of religious liberty may arise.

A Jehovah's Witness is suspected of sexual abuse. Very rarely, for the reasons mentioned above, this would be a case of "institutional" abuse. In most cases, the abuse would occur in the family. The elders of the congregation are informed, or hear rumors about the abuse. When this happens, two different chains of events are set in motion. The first relates to the duty to inform the secular authorities. This is regulated by national laws, which were somewhat vague decades ago but are becoming much stricter and more precise as social concern about abuse grows. The second chain of event will lead to an evaluation of whether and how the alleged offender should be prosecuted by the internal ecclesiastical jurisdiction of the Jehovah's Witnesses, and eventually, if found guilty, disfellowshipped. It is of crucial importance that these two spheres are carefully distinguished.

As we have discussed in our criticism of the Dutch report, it is factually false that the Jehovah's Witnesses do not inform secular authorities of believable reports of sexual abuse their elders have received, or worse, disfellowship victims of sexual abuse, or those who report incidents of sexual abuse to secular authorities. The current edition of the official handbook for congregation elders, *"Shepherd the Flock of God"—1 Peter 5:2*, confirms that a person who reports an allegation of abuse (or any other crime) to the secular authorities will not be disfellowshipped or in any other way sanctioned by the Jehovah's Witnesses:

One who reports an accusation to the police, the court, the elders, or others who have authority to look into matters and render a judgment would not be viewed by the congregation as guilty of committing slander [...] This is true even if the accusation is not proved (Christian Congregation of Jehovah's Witnesses 2019, 12:28).

The 2010 edition had a parallel provision:

It is not considered slander to make an accusation to the police, the court, [...] or others who have authority to look into matters and render a judgment [...] This is true even if the accusation is not proved (Christian Congregation of Jehovah's Witnesses 2010, 5:27).

The current handbook adds that,

Jehovah's Witnesses abhor child sexual abuse (Rom. 12:9). Thus, the congregation will not shield any perpetrator of such repugnant acts from the consequences of his [sic] sin. The congregation's handling of an accusation of child sexual abuse is not intended to replace the secular authority's handling of the matter (Rom. 13:1–4). Therefore, the victim, her parents, or anyone else who reports such an allegation to the elders should be clearly informed that they have the right to report the matter to the secular authorities. Elders do not criticize anyone who chooses to make such a report (Christian Congregation of Jehovah's Witnesses 2019, 14:4).

The official child safeguarding policy of Jehovah's Witnesses, published in dozens of languages on their official website, states at paragraph 4,

In all cases, victims and their parents have the right to report an accusation of child abuse to the authorities. Therefore, victims, their parents, or anyone else who reports such an accusation to the elders are clearly informed by the elders that they have the right to report the matter to the authorities. Elders do not criticize anyone who chooses to make such a report—Galatians 6:5 (Christian Congregation of Jehovah's Witnesses 2018, no. 4).

As early as 1993, the *Awake!* magazine recommended that, in case of rape, one should “call the police as soon as you are able to,” noting also that, “reporting is not the same as prosecuting, but if you choose to prosecute later, your case will be weakened by a delayed report” (“How to Cope with Rape” 1993).

In 1997, the same *Awake!* magazine suggested to Jehovah's Witnesses that, “children should also be warned about—and urged to report to authorities—any person making improper advances toward them, including people they know” (“Sexual Exploitation of Children—A Worldwide Problem” 1997).

Also, in 1997, *The Watchtower* asked, ““What if a baptized adult Christian sexually molests a child?” The answer was that “the molester may well have to serve a prison term or face other sanctions from the State. The congregation will not protect him from this” (“Let Us Abhor What Is Wicked” 1997).

The book *How to Remain in God's Love*, published in 2017, includes a discussion of *I Corinthians* 6:1–8, where Apostle Paul cautions against taking a fellow Christian to court. While in general, “taking our brother to court could reflect badly on Jehovah and on the congregation” (Christian Congregation of Jehovah's Witnesses 2017, 253), there are exceptions.

If a serious crime is involved, such as rape, child abuse, assault, major theft, or murder, then a Christian who reports such a crime to the secular authorities does not violate Paul's counsel (Christian Congregation of Jehovah's Witnesses 2017, 254).

Also, in the May 2019 issue of *The Watchtower*, we read that,

Elders assure victims and their parents and others with knowledge of the matter that they are free to report an allegation of abuse to the secular authorities. But what if the report is about someone who is a part of the congregation and the matter then becomes known in the community? Should the Christian who reported it feel that he has brought reproach on God's name? No. The abuser is the one who brings reproach on God's name ("Love and Justice in the Face of Wickedness" 2019, 10–1).

After our criticism of the Dutch report, the anti-Jehovah's-Witnesses organization Reclaimed Voices objected to us that practice does not always follow theory, and that it is possible that some local congregation of the Jehovah's Witnesses does not follow the indications of the official publications (Hintjes 2020). This is certainly possible in all organizations. However, the fact that in some cases the policy was not followed does not call into question its soundness. We cannot blame the policy, and should recognize that no human organization is composed exclusively of perfect humans, and that even the best of policies does not guarantee against the reality of human error.

There have been some cases (but much less than those concerning other religions, including the Catholic Church) in which secular courts have concluded that the Jehovah's Witnesses were not quick or effective enough in reporting sexual abuse cases to secular authorities. However, these cases should be read and assessed in context. A typical British example, and one quoted by anti-cultists against the Jehovah's Witnesses, is *A. v. The Trustees of the Watchtower Bible and Tract Society, The Trustees of the Loughborough Blackbrook Congregation and Jehovah's Witnesses, and The Trustees of the Loughborough Southwood Congregation of the Jehovah's Witnesses* (High Court of Justice, Queen's Bench Division 2015). Although it is true that the court found that a local congregation had some responsibility in not protecting children from a member who was a sexual abuser, it is important to note that the case, judged in 2015, refers to events of the 1980s and early 1990s. The judge mentioned that it was a matter of agreement between the parties that

(1) The level of understanding of child sex abuse in 2015 is very different to the level of understanding in the late 1980s and early 1990s. (2) In the late 1980s and early 1990s there was an emerging awareness of child sexual abuse, which was a long way short of a developed understanding of the complexity of the issue. (3) The Jehovah's Witness organisation could be viewed as ahead of its time in terms of its educative publications addressing the issues of child sexual abuse.

Concerning the elders of the Loughborough congregations, the judge stated that,

I found them all to be honest, upright, loyal, and devout men for whom being a Jehovah's Witness is and has been for many years a way of life for them and their families [...] All are horrified by the sexual abuse that occurred.

Ostensibly, the judge was quite reluctant to find against these "honest and devout" Jehovah's Witnesses, although in the end he believed he had to sanction them based on how he reconstructed both the facts and the British law in force in the 1980s and 1990s.

There is a consensus that while, as it happened for other religious groups, their attitudes evolved as society became more concerned about sexual abuse, particularly of minors, in general Jehovah's Witnesses complied with the laws asking them to report instances or credible allegations of abuse to secular authorities, when and where these laws existed. Their awareness of these issues compares favorably, and may even be regarded as having been at one stage "ahead of time," with respect to other religious organizations. There were some cases where congregations were found in breach of legal obligations of reporting, but these cases are rare. They do not warrant the conclusion that there was a general policy to evade these obligations, nor that the Jehovah's Witnesses were less cooperative with secular authorities than most other religious communities.

Jehovah's Witnesses, however, are vehemently criticized on a different issue, whether their *internal* ecclesiastical jurisdiction dealt fairly and effectively with members accused of sexual abuse or child molestation. In particular, the fact that they adhere to the Biblical "two-witnesses rule," requiring the testimony of two witnesses before a member can be sanctioned, has been criticized, as well as the weight they attribute to repentance.

Again, the problem here does not concern the Jehovah's Witnesses only, and it is not new. Human justice and what religionists regard as divine justice may follow different paths. Christian theology has often discussed the issue of the "latro poenitens," whose story is told in *Luke* 23:40–3. When Jesus was crucified, one of the criminals who shared the same fate asked him, "Jesus, remember me when you come into your kingdom." The criminal, addressing the fellow bandit who was cursing Jesus, told him, "We are punished justly, for we are getting what our deeds deserve. But this man has done nothing wrong." Jesus answered him, "Truly I tell you today you will be with me in paradise."

As the author of the *Gospel of Luke* tells it, the story is not about criticism of the secular justice or the death penalty. The bandits are “punished justly.” It is about a different justice, where the good thief manages to steal the Kingdom of God, and becomes a member in good standing of the Church Triumphant. He is even venerated as a saint, Saint Dismas, by the Roman Catholic Church.

Jehovah’s Witnesses’ internal justice is accused of being too severe in general in its disfellowshipping process, yet it is at the same time accused of being too bland in cases of sexual abuse, perhaps because it is administered by men only and not by women. Both the Australian (Royal Commission into Institutional Responses to Child Sexual Responses 2017, I, 53) and the Dutch (van den Bos et al. 2019, 120) reports “recommended” that women be included in the Jehovah’s Witnesses’ judicial committees, and that their rules be amended.

The Australian government rightly concluded that these are matters for internal consideration by the Jehovah’s Witnesses. Indeed, it is part of corporate religious liberty that religious organizations may organize their canonical courts or judicial committees as they deem it appropriate. Their judgements may look wrong in secular eyes, but they do not have effect outside of the religious sphere. It is a matter for the secular courts to decide whether a defendant accused of sexual abuse is guilty, and what punishment is appropriate. It is a matter for religious courts and committees to decide whether the same defendant should be disciplined, expelled, or *not* expelled. Religious instances, as the case of the bandit crucified with Jesus shows, may have a different assessment of the value of repentance.

It is part of the contemporary sacralization of the state and the person that states, and media, presume to dictate to religious organizations how they should deal with their members guilty, or even simply accused, of serious crimes. Laws can (and perhaps should) compel religious bodies to immediately report to secular authorities allegations of secular abuse they have received, outside of the existing safeguards that explicitly protect the confidentiality of the Roman Catholic confession and similar practices. Once this has been done, states cannot interfere in the parallel, but independent, ecclesiastical investigation and sanctioning. The principle is the same with respect to the disfellowshipping process in general. How the Jehovah’s Witnesses and other religious organizations conduct their internal affairs is not a matter states should interfere with.

Jehovah's Witnesses are not the only targets of this criticism. Some media, for instance, immediately request that Catholic priests accused of sexual abuse be dismissed from their clerical status. The Catholic Church has become more severe and rapid in enforcing its internal discipline in recent years, but ultimately whether a priest should be defrocked or not is an internal matter for the church to decide, not to mention that some of the priests for which the media reclaimed immediate canonical sanctions were later declared not guilty at trial.

In the case of the Catholic Church and other religious bodies, it has been argued that internal sanctions are needed to prevent pedophiles from continuing to be involved in church-operated kindergartens or boarding schools, where their crimes may be repeated. In fact, such orders can be imposed on the suspects, even before they are sentenced, by secular courts. At any rate, this does not apply to the Jehovah's Witnesses, who do not operate kindergartens or boarding schools. In addition, according to the Jehovah's Witnesses' policy, a pedophile or sexual abuser who is serving as an elder, when his acts of sexual abuse come to light, is immediately removed from his position.

The freedom for religious bodies to sanction, or not to sanction, their members may be an unpopular freedom, particularly in case of sexual abuse, which is perceived, and with good reasons, as the equivalent of sacrilege against the "religion of the person." However, it is an essential part of corporate religious liberty. Religions should be free to regulate their own internal affairs.

The Perils of Secretary Pompeo: Is There a Hierarchy Among Human Rights?

On July 8, 2019, Secretary of State Michael R. Pompeo announced the formation of a Commission on Unalienable Rights. On July 16, 2020, the Commission released its draft report to the general public (Commission on Unalienable Rights 2020). The name of the Commission indicates its aim, to help the Department of State, in a moment of confusion and controversy about human rights, to identify the "unalienable human rights," and to distinguish them from "ad hoc human rights," most of which are of recent creation, and are not included in the Universal Declaration of Human Rights.

The Commission has been seen by critics as a propaganda effort to rubber-stamp decisions already taken by the Trump Administration and the Republican

Party, and to promote, in particular, the idea that religious freedom should prevail in case of conflict with “ad hoc human rights,” including women’s reproductive rights and LGBT rights to non-discrimination. Critics also observed that most members of the Commission, which included a Rabbi and a Muslim scholar, were conservative experts on freedom of religion, with pro-life Christians in the majority (Inglis 2020).

The draft report defended the right of the United States, when determining its foreign policy, to interpret the Universal Declaration of Human Rights in the light of the American Constitution. It noted that,

Foremost among the unalienable rights that government is established to secure, from the founders’ [of the U.S.] point of view, are property rights and religious liberty. A political society that destroys the possibility of either loses its legitimacy (Commission on Unalienable Rights 2020, 13).

It admits that in the Universal Declaration of Human Rights, all rights “have an integrated character and are not meant to be severed from or pitted against one another,” yet it claims “it is no departure from that affirmation to recognize that certain distinctions among rights are inherent in the Universal Declaration itself” (Commission on Unalienable Rights 2020, 37). “In practice, it concludes, decisions about the priority of rights are not only inescapable but desirable [...] in many circumstances certain rights have a necessary logical precedence” (Commission on Unalienable Rights 2020, 38). The report cautions against the post-UDHR proliferation of “new rights,” and tries to establish a list of “unalienable” rights, while remaining aware that this is a controversial area and that no list can be fully satisfactory or complete. Mentioned as “unalienable” are

the right to life, liberty and security of person; protection against slavery and torture; guarantees of equality before the law and of due process; recognition of the right to private property; [...] freedom of thought, conscience, and religion; freedom of opinion and expression; freedom of association; freedom to take part in elections by universal and equal suffrage; freedom of movement and residence; the right to marry and found a family; and the right to privacy in one’s family, home, and correspondence (Commission on Unalienable Rights 2020, 30).

Judging from the many negative reactions (see e.g. Human Rights First 2020), the Commission and its report, which was presented to a deeply divided country in an electoral year, did not offer an especially noticeable contribution towards creating a consensus on human rights. Yet, the Pompeo Commission may at least

have called the attention on one real problem, whether there is a hierarchy of human rights, and which should prevail in case of conflict.

While it is unlikely that other countries would particularly care about the U.S. Constitution, as Joas himself noted in his dense book on human rights, it does make a difference whether a human right is mentioned or not in the Universal Declaration. Claiming that the Declaration reflects the values of 1948, which are different from those of the 21st century, or of a small group of nations that were active in drafting it, plays in the hands of the tyrants of this world, who insist that the UDHR is not applicable to the “special” situation of their countries (Joas 2013, 181–85). Perhaps a new consensus and a UDHR 2.0 will one day emerge, but for the time being the text of the 1948 remains a fundamental reference and standard for the international community, and all countries that have signed it.

In classrooms all over the world, students are told that the UDHR was a reaction to Nazi tyranny and the Holocaust; that it was mostly an American and Western European initiative; that it was drafted by former U.S. First Lady Eleanor Roosevelt (1884–1962) and French jurist René Cassin (1887–1976); and that it was mostly promoted throughout the world by the United States. These arguments are now used in Russia, China, and some Arab countries to argue that the UDHR is not really “universal” but an attempt to impose Western values to the rest of the world. However, in a seminal article published in 2002, American political scientist Susan Waltz argued that all four statements are factually false. The process leading to the UDHR started, and produced significant texts, at the beginning of the 20th century, well before Nazism and the Holocaust. More important than Eleanor Roosevelt or Cassin were, in drafting the Declaration, two delegates coming from Asia, Lebanese academic Charles Malik (1906–1987), an Orthodox Christian, and Chinese philosopher Chang Pen Chun (1892–1957), who identified himself as Confucian. Although not as crucial as Malik and Chang, Indian activist for women’s rights Ms. Hansa Jivraj Mehta (1897–1995) and Chilean diplomat Hernán Santa Cruz (1906–1999) were also important. The Canadian secretary of the drafting commission, legal scholar John Peters Humphrey (1905–1995), was the editor, not the author, of the first draft, although his editorial role was in no way negligible. In the United States, many resisted propagating a document that might be used to submit their country to censorship by international authorities, while the text was enthusiastically embraced in Europe and by some “Third World” countries (Waltz 2002). The

UDHR was less “Western” than it may seem, and reading it through the lenses of an opposition of the West versus the rest makes for ideological, inaccurate interpretation.

As for the distinguished conservative religious scholars that drafted the Pompeo Commission report, my personal impression is that they missed one main problem of the defense of religious liberty, discussed in this paper. They probably had in mind cases where Christian bakers were sanctioned when they refused to bake cakes, or florists when they refused to prepare floral arrangements, for same-sex marriages (for a discussion of some of these cases, see Introvigne 2017). Understandably, conservative Christians do feel strongly about these cases, yet they remain within the sphere of individual religious freedom. It is my argument here that, notwithstanding the advance and the increasing sacralization of “new rights,” balanced solutions are easier to find here, at least in democratic countries.

At times, Evangelicals and conservative Catholics who focus on such cases cannot see the forest for the trees. I do not argue that fights about individual religious freedom are over. My point, however, is that in most democratic Western countries the most serious dangers for religious freedom come from those who deny *corporate* religious liberty, based on their interpretation of the modern sacralization of the person. By defending the rights of their judicial committees to remain free from state interference when they decide whether a member should be disfellowshipped or otherwise, and their right to interpret the Bible in the sense that it mandates shunning those who have been disfellowshipped, the Jehovah’s Witnesses are, once again, defending the religious liberty of all, precisely in the area where today it is mostly under attack.

References

- Bezirksgericht Zürich. 2019. *Staatsanwaltschaft Zürich-Sihl g. Regina Ruth Spiess*. GG180259-L/U. July 9.
- Chang, Xin. 2020. “18 Jehovah’s Witnesses Sentenced to Years in Jail in Xinjiang.” *Bitter Winter*, August 17. Accessed August 20, 2020. <https://bit.ly/3IH9aAq>.

- Christian Congregation of Jehovah's Witnesses. 2008. *Keep Yourselves in God's Love*. Wallkill, NY: Watch Tower Bible and Tract Society of New York, Inc.
- Christian Congregation of Jehovah's Witnesses. 2010. *Shepherd the Flock of God*—1 Peter 5:2. Brooklyn, NY: Christian Congregation of Jehovah's Witnesses.
- Christian Congregation of Jehovah's Witnesses. 2017. *How to Remain in God's Love*. Wallkill, New York: Watchtower Bible and Tract Society of New York, Inc.
- Christian Congregation of Jehovah's Witnesses. 2018. "Jehovah's Witnesses Scripturally Based Position on Child Protection." Accessed August 28, 2020. <https://bit.ly/3ILGd6K>.
- Christian Congregation of Jehovah's Witnesses. 2019. *Shepherd the Flock of God*—1 Peter 5:2. Wallkill, NY: Christian Congregation of Jehovah's Witnesses.
- Christian Congregation of Jehovah's Witnesses. 2020 [last updated]. "Do Jehovah's Witnesses Shun Those Who Used to Belong to Their Religion?" (Frequently Asked Questions). Accessed August 14, 2020. <https://www.jw.org/en/jehovahs-witnesses/faq/shunning>.
- Commission on Unalienable Rights. 2020. *Report of the Commission on Unalienable Rights* [draft]. Accessed August 21, 2020. <https://bit.ly/34YjUEz>.
- Corte di Cassazione. 2017. *F.L. v. Congregazione Cristiana dei Testimoni di Geova*. April 13, no. 9561. Accessed August 14, 2020. <https://bit.ly/3gShJVm>.
- Court of Appeal [London], Queen's Bench Division. 2020. *Otu v. Morley and Watch Tower Bible and Tract Society of Britain*. March 17, case no. A2/2019/1645.
- Court of Appeal of Tennessee. 2007. *Barbara J. Anderson et al. v. Watchtower Bible and Tract Society of New York, Inc., et al.* January 19. Case no. M2004-01066-COA-R9-CV. Accessed August 14, 2020. <https://bit.ly/2GnkSM>.
- "Discipline That Can Yield Peaceable Fruit." 1988. *The Watchtower* April 15:26–31.
- European Court of Human Rights [Grand Chamber]. 2013. *Sindicatul "Păstorul cel bun" v. Romania*. July 9. Accessed August 14, 2020. <https://bit.ly/3hRs8ST>.
- European Court of Human Rights [Grand Chamber]. 2014. *Fernández-Martínez v. Spain*. June 12. <https://bit.ly/3IRXnzA>.

- Folk, Holly, Massimo Introvigne, and J. Gordon Melton. 2020. "Expert Opinion." Accessed August 28, 2020. <https://bit.ly/31QAleZ>.
- High Court of Justice, Queen's Bench Division. 2015. *A. v. The Trustees of the Watchtower Bible and Tract Society, The Trustees of the Loughborough Blackbrook Congregation and Jehovah's Witnesses, and The Trustees of the Loughborough Southwood Congregation of the Jehovah's Witnesses*. In *England and Wales High Court (Queen's Bench Division) Decisions*. Accessed August 28, 2020. <https://bit.ly/2GjhlgJ>.
- High Court of Justice, Queen's Bench Division. 2019. *Otu v. Morley and Watch Tower Bible and Tract Society of Britain*. June 7. [2019] EWHC 1349 (QB).
- Hintjes, Raymond. 2020. "Reclaimed Voices Substantive Report to Expert Opinion." Accessed August 28, 2020. <https://bit.ly/31RkTVb>.
- "How to Cope with Rape." 2018. *Awake!* March 8:8–9.
- Human Rights Council, Working Group on Arbitrary Detention. 2018. "Opinion No. 69/2018 concerning Jeong-ro Kim (Republic of Korea)." December 20 [distributed December 27]. Accessed August 20, 2020. <https://bit.ly/31Ni7QW>.
- Human Rights First. 2020. "Letter to Professor Mary Ann Glendon." July 30. Accessed August 21, 2020. <https://bit.ly/3hSIlf0>.
- "If A Relative Is Disfellowshipped [sic]." 1981. *The Watchtower* September 15:26–31.
- "Imitate God's Mercy Today." 1991. *The Watchtower* April 15:20–5.
- Inglis, Shelley. 2020. "Pompeo's Plan for a Hierarchy of Human Rights Could Serve to Undermine Them All—Including Religious Freedom." *The Conversation*, August 5. Accessed August 21, 2020. <https://bit.ly/2EPHrNt>.
- Introvigne, Massimo. 2012. "Pope Benedict XVI and Religious Liberty: Separating Fact from Fiction." *Annalis Universitatis Mariae Curie-Sklodowska* 19(2):25–33.
- Introvigne, Massimo. 2017. "Intolerance and Discrimination against Christians in Europe and North America." In *Secularisation & Europe*, edited by Jan Van Reeth, Bernard Pottier, Henryk Sławiński, and Filip De Rycke, 307–16. 's-Hertogenbosch: Uitgeverij Betsaida, and Krakow: Wydawnictwo Naukowe Uniwersytetu Papieskiego Jana Pawła II w Krakowie.
- Introvigne, Massimo, and Alessandro Amicarelli. 2020. *The New Gnomes of Zurich: The Jehovah's Witnesses, the Spiess Case, and Its Manipulation by Anti-Cult and Russian Propaganda. A White Paper*. Turin: CESNUR, and Rome: FOB.

- Joas, Hans. 2011. *Die Sakralität der Person: Eine neue Genealogie der Menschenrechte*. Berlin: Suhrkamp.
- Joas, Hans. 2013. *The Sacredness of the Person: A New Genealogy of Human Rights*. English transl. Washington DC: Georgetown University Press.
- Joas, Hans. 2017. *Die Macht des Heiligen—Eine Alternative zur Geschichte von der Entzauberung*. Berlin: Suhrkamp.
- Korla City People's Court. 2020. "Liu Weiguo and others." Decision of June 30. English transl. *Bitter Winter*, August 18. Accessed August 20, 2020. <https://bit.ly/31SJrxj>.
- Kwang, Suk Yoo. 2018. "Expansion of Religious Pluralism in Korean Civil Society: A Case Study of Conscientious Objection in South Korea." *Religions* 9(11)[326]:1–11.
- "Let Us Abhor What Is Wicked." 1997. *The Watchtower* January 1:26–9.
- "Love and Justice in the Face of Wickedness." 2019. *The Watchtower*, "Study Articles for July 1–August 4, 2019," May:8–13.
- "Maintaining a Balanced Viewpoint Toward Disfellowshipped [sic] Ones." 1974. *The Watchtower* August 1:466–73.
- Manwaring, David R. 1962. *Render unto Caesar: The Flag-Salute Controversy*. Chicago: University of Chicago Press.
- McAninch, William Shepard. 1987. "A Catalyst for the Evolution of Constitutional Law: Jehovah's Witnesses in the Supreme Court." *University of Cincinnati Law Review* 55:997–1077.
- Permanent Representation of the Holy See to the Council of Europe. 2013. "Note on the Catholic Church's Freedom and Institutional Autonomy, on the Occasion of the Examination by the European Court of Human Rights of the *Sindicatul Păstorul cel Bun' versus Romania* (No. 2330/09) and *Fernandez Martinez versus Spain* (No. 56030/07) Cases." January 23. Accessed August 20, 2020. <https://bit.ly/3IHQmB9>.
- Peters, Shawn Francis. 2000. *Judging Jehovah's Witnesses: Religious Persecution and the Dawn of the Right Revolution*. Lawrence, KS: University Press of Kansas.
- Pieters, Janene. 2020. "Dutch Gov't Launches Hotline for Sexual Abuse in Jehovah's Witnesses." *NL Times*, August 30. Accessed September 2, 2020. <https://bit.ly/2DpPWOE>.
- Rainsford, Sarah. 2019. "Russian Jehovah's Witnesses Claim State Tortured Them." *BBC News*, March 4. <https://bbc.in/3gRTGGb>.
- 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, 115–37. Westport, CT: Praeger.
- Richardson, James T. 2014. “Brainwashing’ as Forensic Evidence.” In *Handbook of Forensic Sociology and Psychology*, edited by Stephen J. Morewitz and Mark L. Goldstein, 77–85. New York: Springer.
- Richardson, James T. 2015. “Brainwashing’ and Mental Health.” In *Encyclopedia of Mental Health*, 2nd ed., edited by Howard S. Friedman, 210–15. New York: Elsevier.
- Romano, Sergio. 2008. *La visione internazionale di Alcide De Gasperi da Vienna a Roma*. Trento: Fondazione Trentina Alcide De Gasperi.
- Royal Commission into Institutional Responses to Child Sexual Abuse. 2017. *Final Report. 16: Religious Institutions*. 3 vol. Canberra: Commonwealth of Australia.
- “Sexual Exploitation of Children—A Worldwide Problem.” 1997. *Awake!* April 8:11–5.
- Shupe, Anson D. 1995. *In the Name of All That’s Holy: A Theory of Clergy Malfeasance*. Westport, CT, and London: Praeger.
- Shupe, Anson D., ed. 1998. *Wolves Within the Fold: Religious Leadership and Abuses of Power*. New Brunswick, NJ, and London: Rutgers University Press.
- Shupe, Anson D. 2000. *Bad Pastors: Clergy Misconduct in Modern America*. New York and London: New York University Press.
- Shupe, Anson D. 2007. *Spoils of the Kingdom: Clergy Misconduct and Religious Community*. Urbana, IL, and Chicago: University of Illinois Press.
- Supreme Court of Canada. 2018. *Judicial Committee of the Highwood Congregation of Jehovah’s Witnesses and Highwood Congregation of Jehovah’s Witnesses v. Randy Wall*. SCC 26, [2018] 1 S.C.R. 750. Accessed August 28, 2020. <https://bit.ly/3jvOHge>.
- The Moscow Times*. 2020. “Jehovah’s Witness Says Russian Police Used Torture in Siberian Crackdown.” February 14. Accessed August 20, 2020. <https://bit.ly/3hSzd5p>.
- Tribunale di Bari. 2004. *Congregazione Cristiana dei Testimoni di Geova v. Vito Pucci* [order]. December 6/December 14. Accessed August 15, 2020. https://www.cesnur.org/2004/tdg_revoca.htm.
- Tribunale di Bari. 2007. *Vito Pucci v. Congregazione Cristiana dei Testimoni di Geova e altri*. February 20. Accessed August 15, 2020. https://www.cesnur.org/2007/tdg_pucci.pdf.
- United States Court of Appeal, Ninth Circuit. 1987. *Paul v. Watchtower Bible and Tract Soc. of New York, Inc.* 819 F.2d 875 (1987).

- USCIRF (U.S. Commission on International Religious Freedom). 2020. "The Anti-cult Movement and Religious Regulation in Russia and the Former Soviet Union." Accessed August 14, 2020. <https://bit.ly/35a0Zaj>.
- van den Bos, Kees, Marie-Jeanne Schiffelers, Michèle Bal, Hilke Grootelaar, Isa Bertram, and Amarins Jansma. 2019. *Seksueel misbruik en aangiftebereidheid binnen de gemeenschap van Jehova's getuigen*. Utrecht: Wetenschappelijk Onderzoek- en Documentatiecentrum (WODC) van het Ministerie van Justitie en Veiligheid.
- Verwaltungsbericht Berlin. 2010. *X g. Jehovas Zeugen in Deutschland*. June 10. VG27L129.10.
- Walsh, Michael J. 2020. *Stating the Sacred: Religion, China, and the Formation of the Nation-State*. New York: Columbia University Press.
- Waltz, Susan. 2002. "Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights." *Third World Quarterly* 23:437–48.
- Wu, Junqing. 2016. "Words and Concepts in Chinese Religious Denunciation: A Study of the Genealogy of *Xiejiao*." *The Chinese Historical Review* 23(1):1–22.
- Wu, Junqing. 2017. *Mandarins and Heretics: The Constructions of "Heresy" in Chinese State Discourse*. Leiden: Brill.