

Research Notes

Deceptive Evangelism Is Not Always Illegal: The Korean Supreme Court Decision in the “Youth Group Case”

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ABSTRACT: On August 11, 2022, one day before issuing another decision declaring the Korean new religious movement Shincheonji not guilty of the widely publicized charge that it had violated health regulations on COVID-19, the Supreme Court of Korea ruled in the case *H.E. et al. v Seosan Church of Shincheonji et al.*, nicknamed by Korean media the “Youth Group Case.” The case was about “deceptive evangelism,” i.e., Shincheonji’s practice of approaching potential converts and inviting them to Gospel lessons without revealing its name. Lower courts had decided that this practice (which in the meantime Shincheonji had abandoned, switching to “open evangelism”) is illegal under Korean law. The Supreme Court disagreed, stating that “deceptive evangelism” is not illegal per se but should be examined on a case-by-case basis. In all the Shincheonji cases it examined in its decision, the Supreme Court found that “deceptive evangelism” had been in fact not illegal.

KEYWORDS: Shincheonji, Shincheonji Church of Jesus the Temple of the Tabernacle of the Testimony, Brainwashing, Deception and New Religious Movements, Deceptive Evangelism, New Religious Movements in South Korea.

Shincheonji, whose full name is Shincheonji Church of Jesus the Temple of the Tabernacle of the Testimony, is a Christian new religious movement based in South Korea (Introvigne 2019, 2020a), whose name is known to many internationally because it was accused in 2020 of spreading COVID-19 in its home country by violating health regulations (Introvigne 2020b, 2020c, 2021; Burke 2020).

Although few non-Korean media reported it, first degree and appeal judges, and finally the Supreme Court of Korea on August 12, 2022, found that Shincheonji and its leader, Chairman Lee Man Hee, had not violated any COVID-related regulations, and in fact had “actively cooperated” with health authorities (see Introvigne 2022a).

Shincheonji has well-organized opponents, as it has been particularly successful in converting members of the politically powerful conservative Korean Protestant churches. They know they can no longer use the COVID argument, the more so because the same conservative churches were often accused of violating themselves the anti-epidemic regulations (Fautré 2020). However, campaigns against Shincheonji continue, both in Korea and in other countries, including the United Kingdom.

They focus on the accusation of “deceptive” evangelism, which opponents define as

having the potential convert study the doctrine of Shincheonji under the guise of cultural experience programs or Bible studies [without disclosing the name Shincheonji], and having Shincheonji members who are hiding their identities stay by the subjects’ side while they are receiving the education, and until they are fully indoctrinated (Supreme Court of Korea 2022).

Interestingly, before COVID, Shincheonji members, when interviewed by scholars (Introvigne 2021), admitted that a certain amount of dissimulation was at work in their proselytizing activities. They claimed that this was needed because of the massive anti-cult campaigns targeting Shincheonji and the hostile attitude of most Korean media.

There was also, Shincheonji members claimed, a Biblical justification for this behavior. Apostle Paul in *1 Thessalonians* 5:2 prophesied that, at his second coming, Jesus will come “as a thief in the night.” Shincheonji interpreted Paul’s passage to the effect that the “harvesting” in the last days (i.e. in our time) will be exceedingly difficult due to organized opposition, and some dissimulation will be justified.

On the other hand, already before COVID Shincheonji members were conscious that “covered evangelism” perpetuated a vicious circle. It was mentioned by opponents as evidence that Shincheonji is a devious, deceptive “cult,” generating more hostile media coverage and, in the eyes of the devotees,

the need for an even more cautious approach. For these reasons, the movement is now moving to “open evangelism,” using the name Shincheonji from the very first contact with potential converts.

That this is the case is recognized also by Shincheonji’s opponents. Australia and New Zealand are countries where the movement is present and has also encountered a strong opposition. Peter Lineham, a scholar from New Zealand who is critical of “cults” and Shincheonji, acknowledged in an interview of July 7, 2022, that,

This was a group that had previously operated under cover names, and now the advertisements are very boldly Shincheonji. It was very clear who that was and no disguise whatsoever... This is a distinct change of strategy to openly proclaim who they are (Tan 2022).

The issue may thus soon become moot, but will probably remain for years a pillar of anti-Shincheonji propaganda. Again, non-Korean media did not cover at all another decision of the Supreme Court of Korea dated August 11, 2022, i.e., one day before the one exonerating Chairman Lee from the COVID-related charges, which declared that “covered” evangelism as practiced by Shincheonji cannot generally be regarded as illegal (Supreme Court of Korea 2022). Yet, the decision is very important, both for Shincheonji and for controversies about groups labeled as “cults” in general. The Supreme Court closed with its ruling the case *H.E. et al. v Seosan Church of Shincheonji et al.*, nicknamed by Korean media the “Youth Group Case.”

I published in 2020 a comment about the lower court’s decision of January 14, 2020, that was the subject matter of recourses to the Supreme Court both by Shincheonji and its opponents (Introvigne 2020d). The case concerned the so-called “youth group,” i.e., three former members of Shincheonji I would call for the sake of privacy X, Y, and Z. They all claimed they had been recruited through the deceptive tactic of “covered evangelism.”

They argued that membership in Shincheonji caused to them significant material and moral damages, as they spent time for the movement without pay, and experienced painful conflicts with their families. They sued both the Central Shincheonji Church and the Matthias Tribe of Shincheonji (which is divided into “tribes” for organizational purposes) seeking damages.

The lower court rejected all claims by X and Y, and asked them to pay the corresponding legal expenses. The court regarded X's claims as "groundless," considering that, when he joined Shincheonji, his daughter was already a member and a full-time worker for the church. That he could have been deceived, and had not recognized that the movement he was evangelized into was Shincheonji, was therefore not believable. Y's claims were also dismissed as "difficult to believe," particularly with respect to damages suffered, as the court found that he did not devote to Shincheonji an amount of time preventing him from pursuing other interests and careers.

On the other hand, the court accepted some of the claims by Z, the ex-member who had remained in Shincheonji for the longer period, more than six years, four of them spent working for the movement full-time, although it awarded as damages to be paid by the central Shincheonji Church and the Matthias Tribe only 5 million Won (\$4,173), a small fraction of what he had asked.

As I mentioned in my 2020 comment, while the damages awarded were little more than symbolic, the court's indictment of "covered evangelism" was problematic both from a factual and a legal point of view. Factually, the lower court failed to consider that deception cannot be maintained for long. Pretty soon, the potential convert is exposed to the peculiar doctrines of Shincheonji, including that its founder, Chairman Lee Man Hee, is the "promised pastor" appointed by God to lead humanity into the Millennium. Even the dumbest recruits will understand which group they are dealing with.

One is not baptized into Shincheonji, and members proudly proclaim that theirs is the only religion one joins by graduating after an exam. The exam, which many fail and is by no means a mere formality, comes after a demanding course, and includes 300 questions candidates should answer in writing. They include all the most typical and peculiar doctrines of Shincheonji. This means that it is impossible to become a member of Shincheonji without understanding what the movement is all about.

The lower court's decision seemed to accept old-fashioned model of brainwashing, dismissed since the past century by courts in other countries as not being part of accepted science, and being based on a somewhat naïve model of religious conversion (see Introvigne 2022b).

The Supreme Court first addressed a technical matter, and decided that the Matthias Tribe consistently operated as a branch and under the control of the central Shincheonji Church. As a result, the lower court erred in assessing damages against the Matthias Tribe as well, since only the central Shincheonji Church had passive capacity as a party in the case.

Coming to the substance of the matter, the Supreme Court confirmed the lower court’s judgement against X and Y, and in favor of Shincheonji. On the other hand, it reversed the lower court’s finding that had been in favor of Z. The Supreme Court found in favor of Shincheonji also in the case of Z.

The Supreme Court agreed on the lower court’s reconstruction of the facts. Z had been approached by two Shincheonji members who started discussing religious matters with him, and had started “receiving Gospel classes” together with other students who concealed from him the fact that they were members of Shincheonji. Because of these circumstances, the lower court accepted Z’s claim that he had been “deprived of his free will” and manipulated into joining Shincheonji.

The Supreme Court disagreed. It started from the general premise that freedom of religion includes the freedom to organize a religious organization’s missionary activities as it deems fit.

Freedom of religion, the judges wrote in their unanimous decision, includes the freedom of mission to promote one’s religion and gather new believers, and the freedom of mission includes freedom to criticize other religions or to encourage conversion of believers of other religions (Supreme Court of Korea 2022).

It is true, the Supreme Court said, that this freedom is not unlimited. If an act by a missionary

goes to the extent that it causes the other parties to lose their freedom to choose their religion, it can constitute an illegal act (Supreme Court of Korea 2022).

However, these limits to the freedom of proselytization should be judged conservatively, to make sure that religious liberty is not unduly restricted.

In case of “covered” evangelism where the name of the group to which the missionaries belong is not disclosed, whether the converts lost their freedom of religion making the missionary strategy illegal is a question, the Supreme Court said, that can only be

determined individually and specifically, by considering the age of the other party, educational background, social experience including prior religious life, the relationship between the missionary and the other party, the circumstances in which the other party chose the religion, and the changes in attitude or life before and after the other person chose the religion (Supreme Court of Korea 2022).

In the case of *Z*, an examination of all circumstances led the Supreme Court to conclude that, while what the Shincheonji missionaries did “can be viewed as an act deserving social and ethical condemnation,” it cannot be declared to be illegal nor to have caused damages to the convert. The Supreme Court observed that, as it might have been expected, pretty soon, although not instantaneously, after having been invited to Gospel classes without been told the name of the religious movement that organized them, *Z* clearly understood that it was Shincheonji.

However, he “did not stop studying the doctrine of Shincheonji” at that stage, and there is no evidence that he was forced to continue his study. On the contrary, the Supreme Court said, he

received additional central education programs for 6 months and then joined the Shincheonji Church of Jesus [...], and engaged in religious activities as a member for about 1 year and 6 months (Supreme Court of Korea 2022).

There is no evidence that he

suffered unexpected financial disadvantages or serious issues in his daily life due to the Shincheonji Church of Jesus before and after joining the church. Considering the plaintiff’s age, occupation, social life, prior religion, religious activities, and the process by which he gained a thorough understanding of the doctrines of the Shincheonji Church of Jesus as well as the circumstances that led to his joining, we can conclude, the Supreme Court judges states, that, even if some deceptive acts were involved in the early stages of the missionary process of defendants [...], plaintiff [*Z*] did not lose the right to choose freely a religion he believed in (Supreme Court of Korea 2022).

In conclusion, the Supreme decided that “covered evangelization” as practiced by Shincheonji in the cases examined may perhaps be regarded as “deserving social or ethical condemnation,” but lacks the “coercive element” that would make it illegal.

It is an important decision, not only for South Korea, as it closes one window through which discredited theories of “brainwashing” may re-enter the legal debate and be used to discriminate against religious minorities.

Wisely, while hailing the decision as a victory for religious liberty, in a press release Shincheonji commented that “regardless of this ruling, Shincheonji

Church of Jesus will listen more closely to the concerns of our society, and we will do our best to become a church that all members of society can trust” (Shincheonji Church of Jesus the Temple of the Tabernacle of the Testimony 2022). There is in fact no reason to change the current move from “covered” to “open” evangelism, whose benefits for Shincheonji may clearly outweigh costs.

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