

MISA, the Anti-Cult Movement and the Courts: The Legal Repression of an Esoteric Movement

Raffaella Di Marzio

Center for Studies on Freedom of Religion Belief and Conscience

raffaelladimarzio@gmail.com

ABSTRACT: This paper presents the legal controversies that accompanied the history of MISA, the Movement for Spiritual Integration into the Absolute (MISA), the legal cases regarding its founder, Gregorian Bivolaru, and their repercussions for the MISA movement as a whole. From Communist to post-Communist Romania, Bivolaru was repeatedly arrested and convicted and his teachings, on yoga and sexuality, often created suspicions of immorality and abuse. He was granted political asylum in Sweden in 2006, but arrested again in France upon a request by Romanian authorities in 2016, and extradited to Romania. The article raises the question of how an anti-esoteric prejudice may have influenced MISA legal cases and their outcome. In this respect, the paper examines three possible explanations of the extreme anti-MISA feelings prevailing among sectors of the Romanian police and media, related respectively to the Romanian context, the campaigns against “cults,” and esotericism.

KEYWORDS: Anti-cult Movement, Anti-esotericism, Movement for Spiritual Integration into the Absolute, MISA, Gregorian Bivolaru, Freemasonry, Mediabolization.

Introduction

On December 7, 2012, the main Italian wire agency ANSA reported that a dangerous Romanian group was being investigated by the police for “violent sex, esotericism, and yoga” (ANSA 2012). Several Italian daily newspapers reprinted the news without comments (e.g. *La Nazione* 2012) and without asking themselves whether “violent sex” (whatever it might be), “esotericism” and “yoga” were indeed crimes worthy of a police investigation.

The incident may appear as trivial, but is not unimportant. It confirms both that groups labeled as “cults” are discussed in the media in a cavalier way, without any serious effort of fact-checking, and that “esotericism,” at least for some reporters,

is a word as bad as “cult,” and conjures the image of something mysterious and sinister, perhaps indeed associated with “violent sex.” Human Rights Without Frontiers International, in a report about the MISA case, named this process of victimization by the media “mediabolization” (Human Rights Without Frontiers International 2013).

The interest of the MISA case, in this respect, lies in the fact that it is not an isolated incident. Other groups labeled as “cults” experienced similar legal problems, particularly when their discourses and practices involved the delicate sphere of sexuality. The early legal saga of the Children of God, which later changed their name into The Family, included incidents in several different countries and is well-known to scholars of new religious movements (Lewis and Melton 1994).

Bivolaru and the Communist Regime

Gregorian Bivolaru, the founder of MISA, faced legal problems since his early career as a yoga teacher. During the Stalinist and immediate post-Stalinist decades, from the late 1940s to the 1960s, all yoga practice was banned in Romania. In the 1970s, it became possible to open yoga centres, although they were closely supervised by the Securitate (the political police). However, as it is typical of non-democratic governments, there were sudden and largely unpredictable changes. Yoga was regarded alternatively as an inoffensive physical exercise or something dangerous for the regime. Bivolaru was also suspected, wrongly, of being the Romanian leader of Transcendental Meditation (see Andreescu 2013a).

In 1984, he was arrested and accused by the regime of possessing and spreading pornographic materials, practicing a job without the proper license, and escaping from prison. He was subsequently released but was taken again to the Securitate offices for criminal investigation in 1986. Finally, in 1989, he was confined in the psychiatric hospital of Poiana Mare. Post-communist Romania allows those sentenced by the Ceausescu regime to obtain from the courts a declaration that their convictions were of a political nature. Bivolaru applied for such a declaration in 2010 and obtained it in 2011 (see Andreescu 2013a; 2013b).

Anti-cult Campaigns against MISA and the 2004 Raid

After the establishment of MISA, almost immediately, the Romanian media attacked Bivolaru as part of their campaigns against “cults.” Opposition to “cults” by media and the intelligence services in Romania survived Communism. Additionally, the old personnel of Ceausescu’s years often maintained its positions. In a detailed study of the cases against MISA, Romanian scholar Gabriel Andreescu noted that the prosecutor who had sent Bivolaru to the psychiatric hospital in 1989, Vasile Manea Drăgulin, became the General Prosecutor of Romania after the fall of communism, and remained in this position between 1993 and 1996 (Andreescu 2016b).

MISA was particularly targeted because of its attitude towards sexuality, and Bivolaru was referred to as “the sex guru” in the media. Throughout Romania, MISA yoga sessions were interrupted, yoga practitioners were interrogated by the police, and some were fired from their jobs. Andreescu’s meticulous survey of archival documents evidences that Romanian intelligence kept MISA under surveillance since 1997, claiming it was a threat to national security (Andreescu 2005; 2007; 2008; 2013a; 2013b; 2016).

Official and media hostility to MISA culminated in the raids of March 18, 2004, nicknamed by the Romanian police “Operation Christ.” Gendarmes and military of the special forces, masked and armed with machine guns and Makarov pistols, accompanied by prosecutors and TV cameramen, smashed the doors and entered 16 MISA ashrams throughout Romania simultaneously at 7 a.m. The main TV channels echoed the official press release, announcing that “today at 7:00 a.m., police conducted the largest operation against drugs and human trafficking in the history of post-Revolution Romania.” Drugs, by the way, had nothing to do with the MISA case. No drugs were found, nor were charges for drug trafficking filed (Andreescu 2013a; 2013b; 2016).

Susan Palmer and Stuart Wright in their book *Storming Zion* discuss raids against groups labeled as “cults” in various countries (Palmer and Wright 2016). What happened in 2004 in the MISA case in Romania corresponds to the general pattern noted by Palmer and Wright. Raids were invariably carried out by a disproportionate number of heavily armed police and military in the early hours of the morning, not so much because the “cults” were regarded as dangerous but for the benefit of the invited reporters and cameramen. Most raids had meager results

in terms of collecting evidence against the “cults,” but that was not their main purpose. Raids are best interpreted as a sort of baroque theater, serving a purpose similar to public executions in other centuries. With their display of special forces and machine guns, all paraded in front of the cameras, the authorities mounted a sideshow with a pedagogical purpose. Powerful forces hostile to “cults,” including the Orthodox Church, were reassured, and those attracted to alternative spiritualities were intimidated by a powerful public statement that “cults” would not be tolerated and would be punished.

As usual in similar cases, the 2004 raid did not find much of significance for prosecuting MISA. In fact, attempts at prosecuting MISA students in subsequent years invariably failed. With one exception: among those taken to the police for interrogation in 2004 was 17-year old M.D. Submitted to prolonged interrogations (and, later, also to a forced gynecological examination) the young girl ended up admitting that Bivolaru had sex with her. Once released from the custody of the police, M.D. immediately recanted and claimed in several interviews with the media that her “confession” had been extorted under duress. It is also important to note that the legal age of consent for sexual relationships in Romania is 15. The law, however, incriminates teachers who have sex with their students. Prosecutors constructed the relation between M.D. and Bivolaru as one between student and teacher, although both denied that this was the case (Andreescu 2013b; Andreescu 2016).

Bivolaru was arrested, at first for illegal crossing of the border (even if he was not under any interdiction of crossing the border), and charged with seven different crimes, including human trafficking (based on the charge that members of MISA worked for the movement without an adequate salary), trafficking of minors, and sexual relationships with different minors, including M.D.

The legal aftermath of the 2004 raid took place in seven different jurisdictions: Romania, Sweden, France, Italy, Uruguay, Finland, and the European Court of Human Rights in Strasbourg.

Post-2004 Developments

In Romania, the prosecutor’s case against Bivolaru with respect of the alleged sexual improprieties quickly collapsed, and he was found not guilty both in first

degree and on appeal. The prosecutor, however, appealed to the Supreme Court, which on June 14, 2013 reversed the first and second degree verdicts with respect only to the alleged sexual relationship with M.D. For this offense, Bivolaru received an unusually heavy six-year jail sentence (Andreescu 2016; Introvigne 2017).

Bivolaru, however, was not in Romania in 2013. Freed from jail while awaiting trial, in 2005 he had decided to flee his native country and escape to Sweden, where he was arrested again following a request from the Romanian authorities. However, the Swedish Supreme Court in December 2005 rejected a Romanian request from extradition and ordered the immediate release of Bivolaru, believing that his prosecution was politically motivated. In 2006, Bivolaru obtained the status of political refugee in Sweden.

In 2016 Bivolaru was arrested while he was traveling in France, a country not particularly friendly to “cults,” after Romania had obtained his inclusion in the list of Europol’s most wanted fugitives. On Europol’s Web site Bivolaru was described by Romanian authorities as guilty of “sexual exploitation of minors and child pornography,” while in fact he was sentenced in 2013 only for the alleged sexual relationship with M.D. A legal battle for extradition followed, and French authorities decided in first degree and appeal that Bivolaru should be extradited to Romania, notwithstanding his status of political refugee in Sweden. On July 22, 2016 Bivolaru was extradited to Romania because the French judges believed that a sexual relationship between a minor student and a teacher, even if it allegedly happened more than twelve years before their decision, was a particularly serious crime, which caused such a widespread social outcry that legal technicalities might be disregarded.

When the French judges rendered their decision, nobody knew that Emmanuel Macron would become president of France. By the same logic, his wife Brigitte, the current French first lady, should be prosecuted as well, since she started her relationship with the future president when he was 15 and she was his high school teacher.

In addition to serving his 2013 sentence, Bivolaru was investigated in his home country for his escape from Romania in 2005. In turn, Bivolaru applied for a revision of the Supreme Court decision of 2013 in the M.D. case, based on the fact that the Court initially agreed to hear him in Sweden through rogatory commission, then issued its decision without waiting for Sweden to allow him to

be interrogated (Introvigne 2017). Bivolaru's application was rejected in 2017, and his lawyers have brought the case before the Constitutional Court of Romania, where it is pending at the date of this writing.

The Romanian police also kept feeding information, both directly and through the international network of anti-cult movements (Besier and Seiwert 2012), to authorities in other countries where MISA is active. Italy, for example, thanks to the lobbying of anti-cult movements, established in 2006 a curious police branch, the Anti-Cult Squad (Squadra Anti-Sette, SAS) which achieved very limited results (see Introvigne 2016). However, at the dawn of 6 December 2012, SAS raided MISA, while media promoted a very violent campaign. The police broke into the private houses of 25 Italian citizens and foreign residents in Italy, some of them students of MISA, while others were just relatives and friends. Hundreds of documents were seized, including yoga courses materials, computers, cell phones, videos, and personal journals. The decree authorizing the seizure mentioned possible crimes of criminal conspiracy, prostitution, pornography, enslavement, and sexual violence. Until now, no evidence of these crimes has emerged, although 18 persons are still being investigated (Introvigne 2017).

The international anti-cult network has tried to attack MISA-related organizations in several other countries, including Finland and Uruguay. In Uruguay, MISA has been targeted by SEAS (Servicio de Estudios y Asesoramiento en Sectas y Nuevos Movimientos Religiosos), a Catholic anti-cult organization, which has tried to involve the authorities and to interfere with the good relationship existing between the local MISA sister organization, directed by the Romanian yoga teacher Octav Fercheluc, and local universities. Psychologist Alvaro Díaz Farías emerged as the most vocal anti-MISA activist and also tried to interfere with the shooting in Argentina of a movie by MISA-affiliated director Carmen Enache (Farías 2015).

Finally, MISA students who believed they had been abused during the 2004 raid took their case to the European Court of Human Rights (ECHR) in Strasbourg. Before their case was decided, ECHR had already rendered a decision favorable to a student of MISA, Dana Ruxandra Atudorei, who at the age of 19 had been forcibly interned in a psychiatric asylum because of her participation in the movement's activities. On September 16, 2014, in the case *Atudorei v. Romania*, ECHR decided that her human rights had been violated

(ECHR 2014). This was a prelude to the landmark ECHR decision *Amarandei and Others v. Romania* of 26 April 2016, where 26 members of MISA who had been mistreated in the 2004 raid obtained € 291,000 in damages from the Romanian government (ECHR 2016). Finally, on February 28, 2017, in the decision *Bivolaru vs. Romania*, ECHR ordered Romania to pay Bivolaru Euro 6,980 for having been illegally detained in 2004 (ECHR 2017).

These decisions are very important, since they stated that the raid was based on insufficient evidence and that the excessive use of physical and psychological violence had violated the complainants' human rights and dignity. The 2016 decision implicitly called into question the whole system of spectacular raids against the "cults," the more so because it came after a verdict rendered on 11 February 2015 by the Court of Cluj, exonerating 21 MISA members, including Bivolaru, from charges of human trafficking. The Court of Cluj described the 2004 raid as "barbaric" and identified its true aim: "to close this yoga school by discouraging its members to exercise their freedom of conscience" (Andreescu 2016; Introvigne 2017).

On October 5, 2016, however, with Bivolaru in jail after the extradition, the Court of Appeal of Cluj quashed the 2015 verdict and ordered his retrial for human trafficking. Trying him for crimes different from those for which he was extradited from France is, however, not coherent with international provisions governing extradition. Romanian authorities have asked France to expand its original 2016 order for extradition, and France has so far answered by requesting additional documents. In the meantime, Romania sent a strong signal to any future judge of the human trafficking case by prosecuting the judge who acquitted Bivolaru, Ariana Lăcrămioara Ilieș, before the Supreme Council of the Judiciary, for alleged negligence in the case (documents in the collection of the author).

Other religious and spiritual groups follow with concern the accusations of human trafficking, as they revolve around work performed on behalf of a spiritual institution allegedly without an adequate salary, an accusation that would be easy to direct against many religious communities.

Both the Court of Cluj, i.e. a Romanian court, and the European Court of Human Rights argued that the Romanian police and prosecutors went to extraordinary and unusual lengths to try to wipe MISA out of existence, violating the freedom of conscience, the freedom of religion, and the human rights of the

yoga students in the process. Applying principles of Romanian law, and perhaps also because of international criticism based on human rights concerns, Romanian authorities conditionally released Bivolaru from jail in September 2017, considering his age and the fact that he had already served a third of his sentence. He moved again to Sweden, where at the time of this writing he is fighting a new request for preventive arrest, this time coming from Finland, which started investigating the alleged abuse of a Finnish student by Bivolaru (which reportedly occurred outside of Finland) after two sensationalist documentaries against MISA were aired by the TV network MOT in 2009 and 2013. Clearly, MISA has opponents whose fury against Bivolaru continues unabated.

The Romanian Context

How can we explain this obstinacy? Of course, a first explanation could be that Bivolaru is in fact a sexual pervert, and that MISA, under the guise of spirituality and esotericism, traffics in human beings, including minors, who are sexually exploited by the leaders, and photographed and filmed in various stages of nudity. However, decades of police and judicial investigations of MISA in various countries, and thousands of pages filled by prosecutors, produced only one final decision against a MISA member, the one finding the leader, Bivolaru, guilty of one single crime, the presumed sexual relationship with M.D. Even in this case, however, a detailed investigation undertaken by the Swedish Supreme Court, during the proceedings that granted Bivolaru the status of a political refugee, concluded that the charges were trumped up and the decision against MISA's founder was grossly unfair. Clearly, further explanations are needed.

I would suggest three possible explanations of the extreme anti-MISA feelings prevailing among sectors of the Romanian police and media, related respectively to the Romanian context, the campaigns against “cults,” and esotericism.

There are two elements peculiar to the Romanian context worth mentioning. The first is the role of the Orthodox Church and the alliance between that Church and parts of the Romanian political and administrative establishment. Raids and prosecutions, such as the one against Bivolaru, are “show trials” ritually celebrating this alliance and warning that only a modicum degree of deviation from the moral and cultural standards agreed upon by the Church and a non-neutral State would be tolerated. The expression “show trials” is of course

reminiscent of the trial of the Stalinist period. The second element to be considered in the Romanian context is, in fact, post-Communism and the presence of persons who were still there in the Ceausescu years in the judiciary, the police, and the media. The role of the media is very important. They are part and parcel of a system that fixes quite strict symbolic boundaries, which should not be transgressed. Transgression has as its consequence immediate punishment, in the shape of media campaigns, raids, and incarceration.

The second explanation concerns the campaigns against the “cults.” In 2016 Eugene V. Gallagher edited a volume, *The Cult Wars*, where he concluded that these wars were slowly becoming a thing of the past (Gallagher 2016). In the 21st century, Islamic radicalism is regarded as a more serious threat than “cults” and myths about brainwashing and mind control have been largely debunked by academic scholars. Gallagher’s thesis, however, should be qualified geographically. In the United States, the cult wars both started and finished earlier. They continued in Western Europe when they had become marginal in the U.S. While in countries like Italy or France certainly they did not disappear, they somewhat lost momentum and financial resources, that the governments were now devoting to combating Islamic extremism rather than “cults.” However, just as it appeared in Western Europe some years after the United States, anti-cultism became fashionable only recently in Eastern Europe and Latin America. Romania is different from Italy or France in this respect. There are no relevant organized anti-cult movements. Yet, the anti-cult ideology is spread directly by segments of the State and by the Orthodox Church.

Finally, MISA is not any “cult.” It is an esoteric movement. Wouter Hanegraaff, in his 2012 book *Esotericism and the Academy*, proposed a history of cultural movements that marginalized esotericism, from Protestantism to the Enlightenment to contemporary progressive culture that regards esotericism as reactionary and often connected with right-wing political movements (Hanegraaff 2012). The attack on MISA shows a combination of different elements. Romanian society is undergoing a difficult process of modernization, complicated by a demographic, economic, and social crisis. The saga of MISA confirms that it has not completely come to terms with its Communist past. There are, of course, competing projects for governing this transition. The Orthodox Church believes to be able to maintain its traditional role through an alliance with the State. In turn, the State mediates between different notions of rationality, science, and

progress, and different forces. Few of them seem to welcome the ambitious project of MISA, a very visible group that does not accept to remain marginal and offers remedies to the Romanian crisis based on an esoteric vision of knowledge, the body, and sexuality, and the ancient wisdom of tantric yoga.

It is interesting, considering the subject of this paper, to conclude by reporting an emic explanation circulating within MISA about what is going on. Many members of MISA believe that Bivolaru has offended not only anti-cultists and the Orthodox Church, but also certain branches of Romanian and international Freemasonry, due to his sustained campaign against Freemasonry as the dark side of esotericism and spirituality. In his books, Bivolaru consistently exposes Freemasonry as the source of the Western World's contemporary decadence and a number of evils (Bivolaru 1996). Students of MISA are currently preparing a documentary noting the importance of Jacques de Molay (1243–1314), the last Grand Master of the Knights Templar, for the main Masonic organizations. De Molay was burned at stake on March 18, 1314. The raid against the MISA centers in Romania, which was the beginning of the whole international judicial prosecution, nicknamed "Operation Christ" (in itself an unusual name in a Christian country), took place on March 18, 2004 (Stoian 2013). The extradition hearing of Bivolaru in France took place on March 18, 2016, in a court located in the same Île de la Cité in Paris where de Molay was burned at stake on March 18, 1314. In both cases, students of MISA claim, the police and judicial activities were slightly delayed at the last minute, as if somebody was interested in having them exactly on March 18 (see Introvigne 2017). Sometimes, such coincidences are significant. Sometimes, obviously, they are just coincidences. But the whole story adds further spice to an intricate web of relationships between the law, the anti-cult movements, and esotericism, which is perhaps unique in the recent history of anti-esoteric controversies.

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