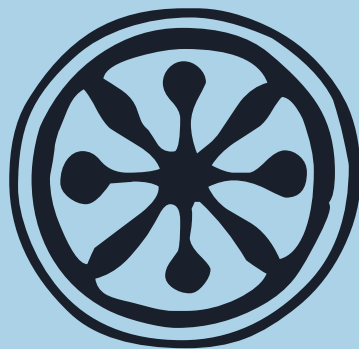

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Contents

Articles

- 4 Introduction. The Ambash Family: A Stereotypical “Cult” in Israel
Massimo Introvigne
- 9 “Cults” and Enslavement *via* Brainwashing in Israeli Justice: The Case of Daniel Ambash
Susan J. Palmer
- 37 The Religious Challenge of Neo-Hasidic Judaism: Contextualizing the Daniel Ambash Case
Holly Folk
- 54 The Absence of an Expert Opinion in the Ambash Case and the Problem of the Victims’ Rights
Georges-Elia Sarfati

Documents

- 70 An Open Letter to the Israeli Supreme Court on the Ambash Case
Holly Folk et al.
- 74 Does “Mental Slavery” Exist? An Expert Opinion
Massimo Introvigne et al.

Testimonies

- 98 “He Hoped for Justice, and, Behold, There Was Injustice; for Righteousness, and Behold, an Outcry” (*Isaiah* 5:7)—State Crimes Against Children and Parents: The Ambash Women and Their Children
Esther Hertzog
- 104 The Abuse of the Judicial System in the Ambash Case
Yossi Nakar

Introduction. The Ambash Family: A Stereotypical “Cult” in Israel

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ABSTRACT: This issue of *The Journal of CESNUR* is consecrated to the sensational case of Daniel Ambash, branded in Israel as the quintessential “cult leader” and sentenced to 26 years in jail for various crimes, including the “mental enslavement” of women with whom he lived in a situation of *de facto* polygamy. Since these women vehemently deny that they were “slaves,” and insist their sexual relations with Ambash were fully consensual, Israeli courts adopted a dangerous theory of “cultic enslavement” in order to conclude that the Ambash wives were victims *without knowing it*.

KEYWORDS: Daniel Ambash, Ambash Family, Polygamy, Brainwashing, Mental Enslavement, Anti-Cult Movement.

A Dangerous Case: Who Is Daniel Ambash?

As Susan Palmer mentions in the leading article in this issue of *The Journal of CESNUR*, for several years scholars of new religious movements would not touch the Ambash Family with a ten foot pole. Two degrees of judgement in Israel had convicted the leader of this group, Daniel Ambash, for a number of crimes involving sadistic sexual abuse. He had been sentenced to 26 years in jail, although a request to the Supreme Court to revise his conviction is pending at the time of this writing. Scholars tend to be sympathetic to new religious movements, but sexual abuse is a different matter altogether. And there was the risk that, by raising questions about the fairness of Ambash’ prosecution, scholars would simply give ammunition to those who regard them as “cult apologists,” ready to defend even the most bizarre and abusive “cults.”

Outside the narrow field of the study of new religious movements, a well-known French scholar, Georges-Elia Sarfati, had been the first to speak out (Sarfati 2015). But then Sarfati had known Ambash personally since the latter was a famous ballet dancer in France. The accusations simply did not seem to fit.

It was, however, true, as Susan Palmer and Holly Folk documents in their articles, that Ambash in Israel was a different character from the Ambash of his early incarnation in France. He had returned to his Jewish roots and joined a fascinating group, the Na Nach Breslover Hasidim, founded by Rabbi Yisrael Ber Odesser (1888–1994). The Breslover Hasidim trace their origins to Rabbi Nachman of Breslov (1772–1810). The Na Nachs believe that Rabbi Yisrael was the reincarnation of Rabbi Nachman, and that in 1922 he had revealed the mysterious Song of Redemption for the whole humanity that Rabbi Nachman had promised. Ambash became an enthusiastic disciple of Rabbi Yisrael, and put his artistic creativity at the service of spreading his message and the Song of Redemption.

The Polygamy Issue

Ambash, however, parted company from other Na Nachs because he also believed that polygamy—more precisely, *de facto* polygamy, as he never tried to legally marry more than one wife—was actually permitted by Jewish law, and ended up living with six women in different houses.

While one wife turned against him and left the family, I and other scholars met the other wives. Both I and Susan Palmer are familiar with the polygamy of the Mormon splinter groups known in the U.S. as “Mormon fundamentalists,” and I also encountered polygamy as practiced in Israel by Jews from Yemen. What I met in the Ambash family was something different, a unique combination of traditional Judaism and the passion for experimenting with radically alternative lifestyles typical of Ambash’s artistic milieu (see the documentary on the Ambash ladies by Vaturi-Dembo 2016).

Previous engagements prevented me to study the Ambash case in detail. I met the Ambash women only once, and encouraged Susan Palmer and Holly Folk to go to Israel and investigate the affair in depth. I did provide, with others, an expert opinion to the Israeli Supreme Court, published in this issue of *The*

Journal of CESNUR, but it was on the general matters of brainwashing and “mental enslavement” rather than on the Ambash case in particular.

Accusations of Sexual Abuse

Obviously, I do not condone sexual abuse. Nor am I a naïve “apologist” persuaded that all religious movements are benign. I proposed myself a category of “criminal religious movements,” suggesting they should be prosecuted—for their crimes, not for their religious ideas (Introvigne 2018).

In this issue, we give voice to passionate testimonies about the Ambash case. They deny that any abuse of minors occurred, except that some of the Ambash children were abused by the Israeli social welfare system, the courts, and the police, and one girl died. They point out that all testimonies about an alleged sexual abuse were either recanted or obtained under duress and extreme police pressure, of which they offer visual and documentary evidence (see also Hertzog 2018).

The Ambash Family has produced ample evidence pointing out at serious flaws on how the investigation and the trials were conducted (see e.g. Davidoff 2016; R2DIP 2017; “Israel Ambash” 2017; “Ambash Affair” 2018; and “Daniel Ambash” 2018). Personally, I do not have enough elements to come to a conclusion about the abuse allegations. But I note that serious scholars who do came to different conclusions from those of the Israeli courts.

Brainwashing Redux: “Mental Enslavement”

Ambash, however, was not sentenced for minor abuse only. In fact, the largest part of his trials revolved around a different accusation, i.e. that he had abused his (de facto) *wives*. Five out of six wives vehemently deny the accusation, and the motivations of the one who turned witness for the prosecution, in exchange of immunity for crimes she had certainly committed, are highly questionable. Yet, the Israeli courts, as Sarfati explains in his article in this journal, decided to ignore their point of view and to label them as “victims” *against their will*.

How was this possible? Here, precisely, the Ambash case becomes extremely important, and alarming, for scholars of new religious movements. Even if the

Ambash women kept repeating that all their sexual activities with Ambash were fully consensual, the courts insist that such is not the case, because they were in a situation of “mental slavery,” typical of “cults.”

In the expert opinion I and others sent to the Israeli Supreme Court, reproduced in this issue of the *Journal*, we revisit the old controversies about “brainwashing.” Most scholars and courts of law by the end of the 20th century had reached a consensus that brainwashing does not exist. In order to avoid confronting these precedents, in the Ambash case the judges re-labeled brainwashing as “mental enslavement.” But, for all practical purposes, the two concepts are one and the same. “Mental enslavement” is part of pseudoscience, just like brainwashing.

A Stereotypical “Cult”

As Susan Palmer demonstrates, the Ambash case can only be understood within the context of anti-cult campaigns and activities in Israel. Ultimately, the courts and the media argued, we know that the Ambash ladies were “victims” rather than free agents because they were “trapped” into a “cult.” In this respect, the Ambash case is a very dangerous precedent. There are already other cases—Gregorian Bivolaru, the leader of MISA, a movement to which the first issue of *The Journal of CESNUR* was consecrated in 2017, comes immediately to mind—where it is argued that sexual activities by adults on a “cultic” context *cannot be consensual*, since by definition they are the consequence of brainwashing (by any other name).

All groups labeled as “cults” are accused of brainwashing, but here there is something more. In the case of Ambash, as in the one of Bivolaru, repression targets alternative sexual lifestyles. They may be tolerated in a secular context but, for whatever reason, society regards them as particularly offensive when sexual experimentation takes place in a religious context. There is a boundary between religion and sexuality that should not be transgressed. Ambash and his family, thus, appear to be casualties in a much larger struggle about social repression and control.

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“Cults” and Enslavement *via* Brainwashing in Israeli Justice: The Case of Daniel Ambash

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ABSTRACT: Daniel Ambash (1955–) is a Franco-Israeli citizen and follower of Rabbi Yisrael’s revitalization movement within the “Na Nach” Breslover Hasidim. Since his arrest in 2011, he has been serving a 26-year prison sentence. He is portrayed in the Israeli media and in the judgments of the District and Supreme Courts as a sadistic cult leader who enslaved his six wives and his children through the mental manipulation techniques of brainwashing, thereby compelling them to participate in deviant sexual practices and heinous acts. This study explores the anti-cult narrative that shaped the police investigation and the legal process, and how Israel’s new anti-slavery legislation was combined with brainwashing theory in order to convict Daniel Ambash. The role of Israel’s anti-cult group, the media, the police and Social Welfare are analyzed within the theoretical frameworks of Stuart Wright’s model (1995) of counter-movement mobilization and Stanley Cohen’s concept (1972) of “moral panic.”

KEYWORDS: Religion in Israel, New Religious Movements, Anti-Cult Movements, Polygamy, Enslavement, Brainwashing.

Introduction

Daniel Ambash, born in Paris in 1955, was a successful ballet dancer in his youth and toured with the dance company of Maurice Béjart (1927–2007). At age thirty, he began to explore his Jewish roots. He went on *Teshuva*, studied the Torah and left his famous choreographer lover, Maguy Marin, to marry a Jewish woman. The couple moved to Israel to follow the path of Hasidic spirituality. There, he joined the Breslover Hasidim and became a disciple of Rabbi Yisrael Ber Odesser (1888–1994), believed by his followers to be the same person (via reincarnation) as Rabbi Nachman of Breslov (1772–1810).

Today, Ambash is serving a 26-year sentence in a prison near Tel Aviv, branded in the media as a “sadistic cult leader” (Radl 2018)). But technically, from a religious studies or social scientific perspective, Daniel Ambash does not meet the criteria of a “cult leader.” He never claimed to be a prophet or messiah, nor was he ever credited with supernatural powers (Weber 1904; Melton 2000). He never aspired to be a magical healer, nor did he predict the future. He was not a creative theologian with divinely-inspired revelations. He never founded or led a new religion or “cult” (Weber 1924; Ellwood 1973). Daniel Ambash might more accurately be described as a follower; a devotee of Rabbi Nachman/Rabbi Yisrael. Ambash worked with a group of Na Nach Breslovers from his synagogue who spread their spiritual master’s message of redemption by distributing his holy books.

The Na Nachs believe Rabbi Nachman of Breslov promised to reveal the “song of redemption” for all humanity. In 1922, Rabbi Yisrael Dov Odesser announced he had received a holy letter from heaven (*petek*) containing the song: *Na Nach Nachma Nachman Me’uman*. The *petek* proclaimed, “And upon you I said My fire will burn until the Messiah will come.” For the disciples of Rabbi Yisrael, this meant that Rabbi Nachman had returned in the person of Rabbi Yisrael to bring the song of redemption to humanity (*Letter from Heaven* 1991).

Rabbi Yisrael Dov Odesser lived to the age of 106 and was often a guest in the house of Daniel Ambash and his wife, Ilana. He entrusted Daniel with the mission of distributing the *petek* to every household. To this end, Daniel sold his house to support his rabbi’s mission. He danced and sang in the city squares and hosted large Sabbath suppers with his family, and annual *hilulots* to commemorate the death of Rabbi Yisrael.

Daniel Ambash had grown up in the *avant-garde* art scene of Paris and Brussels, raised by secular Jewish parents. Well-versed in music, mime and *commedia dell’arte*, Ambash found creative strategies to promote his spiritual master’s message of salvation. His large family of six wives, fifteen children and friends formed a traveling circus, dramatizing the parables of Rabbi Nachman on the street. His sons built a recording studio and formed a rock band to sing the ecstatic tenth song from the *petek*. He wrote over fifty original songs of praise, sold in CDs on the street.

By 2008, the Israeli Center for Victims of Cults (ICVC) had identified Ambash

as a “cult leader” and informed the police, social welfare and media of his deviant social status. As a practicing polygamist, he stood out. Ambash was never formally charged with the crime of polygamy, illegal in Israel since 1977. Nevertheless, according to the Ministry of Social Services and Welfare, polygamy is an “identifying signal” of a “cult leader” (Lidman 2011). In October 2013, the judges wrote in their ruling against Daniel Ambash, “A civilized society cannot tolerate a way of life like that created by the defendant, with multiple wives” (“Daniel Ambash” 2018).

In this study, we will explore the roles of Israel’s main anti-cult group (ICVC), the media, the police and the Social Welfare Office in Ambash’s arrest and indictment. They will be analyzed within the framework of Stanley Cohen’s model (1972) of “moral panic”; and within Stuart Wright’s model (1995) of countermovement mobilization by networks of interest groups responding to the “cult threat.”

Methodology

As a sociologist of religion who studies new religious movements, I received a grant in 2017 from Canada’s federal Social Science and the Humanities Research Council for my research project, “Children in Sectarian Religions and State Control.” The Ambash case seemed relevant to my research, so I traveled to Israel, where I spent a week interviewing the four loyal Ambash wives. I visited Daniel Ambash in prison on September 3, 2018, met one of his lawyers, and consulted with Israeli anthropologists and with NRM scholars at the Van Leer Institute. I also met with French documentary filmmaker, Jessica Vaturi-Dembo, and with two members of the France-based International Support Committee for the Artist Daniel Ambash.

Initially, I found this case to be utterly baffling. I could see why scholars and human rights groups tended to avoid it. The researcher is confronted with a miasma of bizarre and sadistic sex crimes, listed in the indictment and the Supreme Court’s charge sheet. As an outsider who speaks no Hebrew, with no access to the estranged children or to the prosecution’s witnesses, I lacked the tools to investigate the allegations or revisit the decisions made in the District Court and the Supreme Court. Access to the records of the police interrogations of the “abusers” and the “victims” (who sometimes switch roles) were the key.

These records, unfortunately, are sealed under a judge's gag order. Even so, a study of the case based on the available data reveals serious flaws in the Ambash trial.

Israel's Concern with "Cults"

In order to understand the "why" of the Daniel Ambash case, it is useful to step back and survey Israel's "anti-cult" movement that was gathering force between 2008 and 2016. It began in the mid-1970s and led to the founding of the Israeli Center for Victims of Cults (ICVC) in 2006.

In his 4 September 2018 report, Willy Fautré, human rights activist and director of the NGO *Human Rights Without Frontiers*, states that, until recently, the ICVC received 97% of its income from an ultra-orthodox millionaire, Rami Feller: "a fact that is played down and concealed by the ICVC to this day" (Fautré 2018). According to Fautré, controlling the ICVC from behind the scenes is *Yad L'Achim* [A Hand to the Brothers], described as "a religious, extremist orthodox movement." Formed in 1950, one of *Yad L'Achim's* stated goals is, "to bring back more Jews from other Jewish groups to orthodoxy." Rami Feller, a *Yad L'Achim* operations officer, was one of the original founders of the ICVC in 2006 and donated over two million shekels to his center during its first two years (Fautré 2018). Thus, although the ICVC appears on its website to be a secular "cult awareness" group (Barker 2007), it appears to have a hidden religious "counter-cult" agenda (Introvigne 1999). Even journalists question the ICVC's agenda. Marianne Azizi (2016b) asks, "the cult breaking group in Israel have also declared Yoga to be cult, so how reliable is their criteria?"

The case of Goel Ratzon, a Mizrahi Jew from India who claimed to be the *mashiach* and was known as a spiritual healer and polygamist, had a strong impact on Israel's anti-cult movement and influenced public perceptions of polygamous "cult leaders." Ratzon was arrested in January 2010 and charged with abuse of his 17 wives and 39 children. Unlike Ambash, Ratzon does conform to standard definitions of the charismatic prophet or "cult leader" since he claimed to be a messiah (*mashiach* in Hebrew) and to possess supernatural healing powers. A year and a half after the Ratzon affair, on 4 July 2011, Daniel Ambash was arrested. The Jerusalem police referred to him in a press conference as "Goel Ratzon Number Two" (Lidman 2011).

The infamous Goel Ratzon child abuse case prompted the Ministry of Welfare and Social Services to create a special branch of the Ministry, with an appointed “cult supervisor” and twenty social workers who would undergo training to recognize and deal with “cults” in Israel (Eglash 2011). This initiative was based on the assumption that children in cults were routinely abused (Eglash 2011; see also Knesset 2013).

In 2011, the Ministry of Welfare and Social Services Team published their report, *An Examination of the Phenomenon of Cults in Israel* (Itzkovitz 2011). Anthropologists Ruah-Midbar Shapiro and Warshawski (2018, 6) note,

This report uses fierce anti-cult language, whilst relying upon the brainwashing thesis, and recommends significant legislative amendments that would limit ‘cult’ activity.

In 2015, a new bill proposing a new law designed to control “harmful cults” was introduced in the Knesset. It was voted down in February 2016. Israel’s spiritual landscape is dotted with charismatic rabbis, both Orthodox and Hassidic—many of them behave very much like “cult leaders” and the proposed law held the potential to undermine the freedom of these charismatic yet orthodox rabbis. But Jewish spiritual masters who claimed to be the *mashiach* and/or lived in polygamy—especially if they happened to belong to small fringe groups like the Na Nach Breslovers or the Mizrahim (like Ratzon)—might be singled out from the rest of the rabbis and identified as deviant “cult leaders.”

A third important factor in the Ambash story was the new Anti-slavery/human trafficking law that had been passed in 2006. According to the explanatory notes by the Ministry of Justice,

the proposed law is intended in principle to serve several purposes: first, to provide tools to improve the struggle against human trafficking and to protect its victims, even when dealing with trafficking for purposes other than prostitution (Office of the National Anti-Trafficking Coordinator 2018).

This law prohibited “[holding] a person in conditions of slavery, including sexual slavery” and prescribed up to 16 years in prison for sex trafficking or for slavery.

Daniel Ambash became the second polygamous “cult leader” to be charged with enslavement. The first had been Goel Ratzon. The latter had been under investigation since July 2009, when the Welfare Services had received complaints of alleged “sexual offenses within the family.” In January 2010, the

police mobilized dozens of police detectives, 150 social services employees, and central district state prosecutors to launch a raid on the Ratzon apartments. The authorities involved in Ratzon's case chose to interpret "slavery" as meaning "psychological slavery." Social Service workers from the Welfare Ministry announced that they were enabled by the new anti-slavery legislation to finally move against Ratzon, since the evidence allegedly showed that Ratzon's women had "no choice" but to comply with his demands.

Ratzon was found guilty in September 2014 of rape, sodomy, sex with a minor, indecent assault and fraud. He was, however, acquitted of the slavery charge (of holding one of his wives in sexual slavery against her will). He was sentenced by the Tel Aviv District Court in October 2014 to 30 years in prison (Bob 2014).

The Ambash case became the second time the charge of slavery was applied to a private family and to a putative "cult leader." Azizi (2016b) notes,

The case followed hot on the heels of a true cult leader, Goel Ratzon, who abused 30 women, making what could be a witch hunt so much easier.

While Daniel Ambash clearly had not shackled nor locked up his wives, the notion of "psychological slavery" had already been introduced to the court in the Ratzon trial. And we find the term, "mental slavery" recurring several times in the Supreme Court's verdict on Daniel Ambash.

The French psychoanalyst, Georges-Elia Sarfati, comments on this, as follows:

Daniel Ambash was convicted of "enslavement." The case appears to be the first of its kind in the world, where a state takes the United Nations conventions against slavery and forced labour—intended to address physical conditions of captivity—and extends their interpretation to include mental slavery, i. e. slaves who are free to come and go as they please but are dominated by some telepathic power of "mind control" (Sarfati 2016a).

It is important to note that "brainwashing" is a controversial theory in academic circles (Barker 1985; Melton 2000; Anthony 2001). In 1983, the task force of the American Psychological Association found the theory lacked "scientific rigour." In California the brainwashing theory was thrown out of court in the *Fishman* case in 1990 (Introvigne 2005, 77).

The Issue of Polygamy

Anthropologists and historians have found various patterns of polygamy across cultures and in ancient civilizations (Boserup 1997), but Ambash’s peculiar marital situation was interpreted by his opponents within the narrow ideological framework of anti-cultism. What is interesting about Ambash is that he is atypical among “cult leaders” who practice polygamy.

Based on my previous study of polygamy in new religious movements, I was expecting in my interviews with the Ambash wives to hear their religious rationale for plural marriage. After all, in early Mormonism, “Living in the Principle” (as polygamy was called) was imbued with a profound eschatological significance—and it still is in contemporary fundamentalist Mormon communities. Polygamy and polyamory have served an important millenarian function in many spiritual communes, such as the Love Israel Family, the Children of God, and the Oneida Community—but not for the Ambash family. A retinue of wives and concubines have bolstered the charismatic persona of a prophet, as in the case of David Koresh (1959–1993) of the Branch Davidians, Ben Ammi (1939–2014) of the African Hebrew Israelite Nation of Jerusalem or Dr. Malachi York of the United Nuwaubian Nation—but Daniel Ambash never claimed nor exhibited charismatic powers. Rather, in our interviews, the Ambash wives offered practical and emotional reasons for their unusual life choice. According to Aderet, the fourth wife:

The Ambash family is not “polygamous.” The state does not allow formal marriage, so we are not officially married... We, the women, initiated and established this special structure of family from the friendship between us and... for the work we did in book distribution together. The decision was ours and Daniel agreed, not the opposite. And since [we believe] it is permitted according to Jewish law (“Halacha”), we maintained it. For the first ten years, Daniel and Ilana did not live like this, they were a couple alone with seven children when [the second wife] Esther asked for their help. And after her, each one of us asked Daniel and Ilana if we could join them in the marriage. The judges decided that it was not possible for a woman to want to live like this. They call it a “soft paternalism.” But why, if a woman wants to be a lesbian, is it allowed, yet to share the same man it is forbidden? (Interview with Aderet in Jerusalem, September 3, 2018).

The journalist Azizi (2016a) points out how an “anti-cult” interpretation of polygamy led to Ambash’s downfall:

The district attorney of Jerusalem presented to the Court a novel theory, which states that women in a polygamous relationship lack the legal capacity to consent to such a relationship

and therefore all sexual intercourses in this framework are deemed *a posteriori* as non-consensual, and hence Mr. Ambash was accused of multiple rapes over the years.

The Legal Process

On July 4, 2011, the police launched a raid on the Ambash household, where 3 men and 6 women were arrested and 15 children taken into custody. The charge sheet included the alleged crimes of slavery, abuse of minors, false imprisonment, sexual assault, and severe violence. The wives were placed in shelters for battered women that were barricaded so as to imprison them.

On August 3, 2011 in the Jerusalem District Court, three men were indicted: Daniel Ambash, Asa Mirash (described as his “close right arm”), and a friend of the older sons, “NK,” who appears in charges 15 and 18. From October 13 to 18, 2014, Ambash and the other two men were on trial in the District Court of Jerusalem. The judge issued a scathing verdict in which Ambash was convicted on 18 of the 20 charges against him and sentenced to 26 years in jail. These included sexual offenses, abuse of minors, incest, rape, incarceration and sadistic violence (Azizi 2016a). On May 27, 2016 the Ambash wives lost their appeal in the Supreme Court, and Judge Uri Shoham denied the four wives’ request for conjugal visits (Azizi 2016a).

Comments on the Verdict

The public understanding of the Ambash verdict is summed up by a journalist, as follows:

Daniel Ambash was convicted for sending women and children to beg in the street, living as a parasite from their profits and using mind control to punish them for impure thoughts via violence, rape and humiliation (Azizi2016b).

The 18 charges for which Ambash was convicted describe an extraordinary range of rare and bizarre sexual, sadistic and masochistic acts. But many of these heinous actions are on record as being perpetrated, not by Daniel Ambash, but by a wife or teenage son/stepson. When many of these acts occurred he was not physically present. And some of these heinous acts were products of the *literary imagination* rather than real-life events. The bewildering array of sex crimes in the charge sheet might be organized into three sets.

Set One. The first set might be described as problematic sexual behavior perpetrated by certain members of the Ambash family (which had become a blended family after the second wife moved in with her four children). Some of the older boys made sexual overtures towards their younger stepsisters. A second problem emerged when one of the older Ambash sons formed a sort of secret sex club with his younger brothers. They would lock themselves in the bedroom to watch pornographic websites while pretending to do homework. When their father became aware of these problematic situations, his solution was to separate the boys from the girls and from each other by placing them in different households. Later, after the 2011 arrests, the older son was accused in the interrogation room of raping his younger brothers (an accusation he consistently denied). The third man in the arrests, “NK,” was indicted for his sexual torture of “J,” Ambash’s 14-year old stepson. According to the testimonies of witnesses who called the police, he was identified as the one who actually committed the crimes described in charges 15 and 18 while Daniel was absent. “NK” was convicted in a separate trial and had to pay indemnities to “J” whom he had injured with a broomstick, as mentioned in charge 18. However, “NK” and “H” were not tried for the crimes attributed to them in charge 18, instead, Daniel Ambash was blamed.

The fifth wife, Simcha, is on record for having abused minors. Believing that Ambash’s 14-year old stepson by his second wife had molested her six year-old daughter, she had flown into a rage. Enlisting the help of two other youths who held him down, she inflicted pain on his genitals. She also inflicted pain on three teenagers’ private parts, accusing them of covering up the molestation of her daughter (Interview with Aderet and Shiran in Jerusalem, September 1, 2018).

Simcha was arrested in the police raid of July 4, 2011. She was kept in prison for a week of relentless interrogations, until July 11. Her interrogation process is shown on Youtube, where a police interrogator is repeatedly accusing her of raping a girl (see “Daniel Ambash’s Kangaroo Trial,” in Ambash 2018).

After spending a week in prison, Simcha became a state witness for the prosecution (*kemo’ ed medina*) against her husband, Daniel. In Israel, the status of *ed medina*, modeled upon systems to protect mafia and terrorist informants, gives those witnesses who agree to collaborate with the prosecution impunity and protection, plus advantages with financial recompense in exchange for testimony.

Ambash's lawyer, Avigdor Feldman (2016), discusses Simcha's motives:

Simcha... incriminated Daniel for self-serving, ulterior motives because during the police investigation she was promised immunity from prosecution for serious acts she had committed and because of an invalid police interrogation where they threatened her that her daughter would be taken from her [if she did not agree to testify against her husband]. It goes without saying that these claims are listed in the notice of appeal as a result of the evidence, cross-examinations and argument of the undersigned at the trial court.

Six months later, on May 21, 2012, Simcha returned to the police station to complain about more abuse—this time involving a horse. She claimed that Daniel had ordered her to have sex with a stallion, so she had stripped naked and crouched under the horse for half an hour. She didn't recall the exact date, but according to her testimony it had happened within the past two years. Neither did she recall the name of the horse she had "dated." Nor had she relied on assistants for this difficult and potentially dangerous feat. Amazingly, this event is listed on the judge's crime sheet as one of the heinous acts that resulted from the ineluctable power of Ambash's mind control ("psychological enslavement"). Zvi Zer, one of Ambash's attorneys, offers a critique of the verdict, as follows:

The first error of the court was that slavery and forced labour cannot be induced by mental forces. The wild allegations of sex with animals and pagan scenarios of rape never really happened. In order to say that a victim was influenced by cosmic and telepathic powers, the court would have needed psychiatric evaluations, and there were none. It is astonishing how a plethora of horrendous stories was deemed credible without any solid evidence, forensic or psychiatric. Witnesses were coerced to fabricate fantasies (quoted in Sarfati 2016a).

Set Two. The second set of "crimes" materialized from the pages of a personal diary, seized by the police in the July 2011 raid on the Ambash home. This diary contained the fourth wife, Aderet's, sexual fantasies, centering on her ex-husband, a homosexual who had avoided the act of procreation throughout their four and a half years of marriage (Lidman and Paraszczuk 2011).

Written in a vivid literary style, as part religious confession and part psychological quest, the diary features intense erotic scenes, ardent pursuit, and experimental love-making. The author reprimands herself for her futile obsession with this man, her ex-husband, who clearly never loved nor desired her. Speaking metaphorically, using earthy language, she asks herself: "Why should I run after him and drink his piss and eat his poopoo?" (Interview with Aderet in Jerusalem, September 3, 2018).

Once this diary fell into the hands of the prosecution, Aderet’s fantasies were treated as descriptions of real-life events. On December 16, 2012, Aderet was summoned to court as a witness for the prosecution and Daniel Ambash was accused of masterminding the imaginary erotic dramas penned in her diary, where Aderet describes being repeatedly chased and ardently seduced by her gay ex-husband (“I wish!” she commented ironically in our interview).

Deeply mortified to have her diary read out in court in front of her former and current husbands, and the children who had been her pupils in the Ambash home school, Aderet protested to the court that these were her own, private fantasies. The judge chose to reject her claim. She explained the judge’s rationale, as follows:

The law says you must accept the author’s explanation of [her] diary. It says the weight of the diary will be judged according to what the witness says about what is written inside and according to the logic of the items inside the diary, and if it is connected to other evidence presented in court... But the judge said, “because Aderet writes sexual words she proves these actions really happened.” So, because I wrote words connected to sex, they decided sexual abuse must have happened. I used the word “insemination” and I wrote “to be wet.” So, the judge says, ‘because she knows the [sexual] words, this means these things really happened, although she denies it’ (Interview with Aderet in Jerusalem, September 3, 2018).

Aderet described how the diary was used to influence the witnesses:

In addition, the police interrogators broke the law when they showed my diary to those interrogated in the interrogation rooms (to the state’s witness, Simcha, and to a 14-year-old boy, to my ex, and to a 15-year-old girl). They tried to influence them to change their testimony according to my fantasies in the diary. And the District Court judges wrote in their verdict and in the protocol that I am an intelligent and wise woman, but that I was under mind control. And they decided this without any expert opinion, psychological examination or jury! (Interview with Aderet in Jerusalem, September 3, 2018).

Aderet claims that her husband Daniel was completely unaware of her diary. She wrote it as a confession to G-d (the spelling for “God” commonly used by Jews), and addresses Him directly:

I wrote a letter to G-d, saying, “I want to speak about my adultery” (meaning about how I still desired my ex, even after being in a couple with Daniel). I wrote a confession to G-d, but [the court] decided this meant I must confess everything to Daniel! “*But I was not talking to Daniel, I was praying to G-d!*” I told them (Interview with Aderet in Jerusalem, September 3, 2018).

Since the court had already decided that Daniel Ambash, as a cult leader, was worshipped as divine by his wives, Aderet's protests were swept aside. In the end, Ambash was convicted for masterminding the sexual acts described in the diary through his mysterious powers of mind control.

Set Three. The third cluster of crimes were acts of sexual sadism, bestiality, degradation or humiliation and incest, allegedly perpetrated by Daniel Ambash himself and inflicted on his wives and the children. While I do not have access to enough data to assess the individual charges, it is clear that we encounter the problem of the reliability of the witnesses.

The members of the family who became witnesses for the prosecution had been subjected to heavy-handed, repetitive police interrogations. The "Daniel Ambash" website features videos of the draconian police interrogations of the fifth wife, and of three teenagers. The police interrogator is shouting, threatening long prison sentences, and repeating the same accusations over and over again. As Sarfati notes:

The crimes of the police in beating innocent women into admitting crimes they deny, holding [the wives] in prison for a year prior to a trial which ultimately concluded in their full acquittal, forcing young children to testify against their parents literally days after being removed from their family (later retracted but not supplied as evidence)—these are the questions being raised in the Supreme Court on 28 March (Sarfati 2016a).

What was most disturbing was that there were players on the side of the prosecution who held that the use of violence and blackmail on the part of the police and the social services was justified in order to obtain confessions and witnesses for the prosecution (Sarfati 2016c).

Four of the witnesses for the prosecution later recanted their testimonies, claiming they had been threatened with losing their children or with long prison terms unless they testified against the defendant. Three of the Ambash children (ages 19, 16, and 14) and Simcha, the fifth wife (31), all claimed they had been pressured to lie and commit perjury against Ambash. They made videos and/or wrote letters to the Supreme Court to this effect ("Daniel Ambash" 2018). Azizi (2016b) writes,

[Daniel Ambash] was charged with running a cult; mind control and alleged child abuse. All the evidence was circumstantial. Was he innocent or guilty? This article is not to determine this. All the evidence shows his guilt, but to achieve this in Israel, police and the judiciary violated every possible right.

At the end of 2011, while Daniel’s two oldest sons, Nachman and Naftali Ambash, were still in jail, Daniel’s stepchildren with Esther, his second wife, made a secret plan to disappear for a year in order to avoid testifying in court against their father. Following the advice of their lawyer, the teens rented a large house with a walled garden in Yavne’el, in the northern district of Israel. They stocked their hideout with food, wine, cigarettes and exercise equipment, Internet access and films. Around ten teenagers, the children of Ilana and Esther, were hiding in this house, prepared to sit out the trial of Daniel Ambash. The plan was foiled, however, when Benjamin (14) had an argument with his older brother, Moshe, about smoking too many cigarettes. He left the house abruptly and called the police, who then raided the house on January 2, 2012. All the children subsequently appeared in court as witnesses for the prosecution (Interview with Shiran and Aderet in Jerusalem, September 3, 2018).

The most glaring flaw in the Ambash trial was the lack of hard evidence. There was no forensic evidence in the trial; no DNA reports and no psychiatric tests, either on the defendant or on his alleged victims. Why was this so? Because most of the alleged crimes in the indictment were not committed by Daniel Ambash, but by other people. Since the court determined that the perpetrators were “victims,” acting under the ineluctable influence of Ambash’s “mind control,” there was no need to bother with forensic evidence or psychological examinations.

The assumption that polygamy is a form of slavery and a by-product or symptom of the deviant pathological process of brainwashing was behind the court’s decision. The journalist Azizi (2016a) observed,

Judge Yaacov Tzaban wrote that although the Ambash wives appear to be intelligent and independent, their willingness to share one man must be a product of mental captivity. No psychiatrists testified in that case to explain when and how the phenomenon of losing the autonomy due to mind control manipulation actually can happen.

Sarfati (2016a) comments as follows:

The Jerusalem District Court found Mr. Ambash guilty of 18 counts of enslavement, rape and other counts of sexual molestation. In almost all of these counts, Daniel is not charged with actually committing the crimes, but for ordering others to do it, by the power of some kind of telepathic persuasion and mental conquest. The victims are the same women who appeared as defense witnesses and claimed that they were no victims and no rape ever took place. Bizarrely, they were held victims contrary to their own statements.

A Coalition of Interest Groups and Cultural Opponents

So far we have addressed the question of *why* Daniel Ambash was framed as a “cult leader.” Now, we will address the question, “Who were his opponents?” Stuart Wright, in *Armageddon at Waco* (1995), presents a model of “counter-movement mobilization” by networks of interest groups responding to the “cult threat.” He notes a pattern of forging coalitions among various oppositional “anti-cult” activists or groups, and the creation of alliances with state agents.

One finds in the Daniel Ambash story this classic pattern of the formation of a coalition among interest groups, ranging from hostile ex-members to concerned parents, from secular anti-cult activists allied to “cult awareness” groups, to the religiously-motivated Jewish heresiologists, from journalists to policemen, to social workers.

Wright (1995) has constructed a model of the trajectory of a cult conflict, where first a network of interest groups will form with the common goal of dealing with a “cult” problem. Through collecting and sharing complaints and rumors, they will pool their expertise to construct a stereotypical portrait of a deviant “cult leader.” Next, pressure will be applied on politicians and police chiefs to “do something.” In the pursuit of a “cult leader,” the presumption of innocence is often swept aside, resulting in scapegoating and injustice.

A timeline of events leading up to the arrest of Daniel Ambash shows how the media, the ICVC, the police and social workers collaborated in pooling their information and misinformation. Together they crafted a pop-psychological portrait of Daniel Ambash as the quintessential abusive and manipulative “cult leader.”

In 2005, the police opened a case file on the father of Simcha, Ambash’s fifth wife. Simcha went to the police on November 27 to complain that her father had attacked her in the market, then appeared the same night with her brother outside the Ambash house to throw stones, breaking the windows and threatening to burn down the house. After Simcha went to the police, filed a complaint and demanded a restraining order, her father and brother apologized for their behavior, but then turned to the Israel Centre for Victims of Cults. Simcha’s mother then spoke with the journalist Uri Blau from *Haaretz*, who had written previously exposes of other “cults” (Introvigne 2017, 30), and was preparing an article, “Daniel Ambash’s Little Beggars.” It appeared in *Haaretz* in Hebrew on June 11 and in English on

June 19, 2008 (Blau 2008). This article offered some background information on the Na Nachs, but portrayed the Ambash children as unschooled and forced to beg on the street.

Social workers from the Ministry of Welfare and Social Services began to express their concern about the Ambash children. After Uri Blau’s article was published (in Hebrew) on 11 June 2008 in *Haaretz*, Yamina Gretzkin from the Welfare Services department called the police and faxed the *Haaretz* article to them. She also alerted the police to a tip from the neighbor of the Ambash family, who had informed her that Daniel and his two wives had returned to the house in Lifta. According to the Ambash wives, Daniel was unaware that the police was looking for him.

On July 12, 2009, Ruth Matot from the Welfare Services contacted the police and gave them two addresses of the Ambash apartments to assist them in their search. On August 3, 2009, Shuli Gerson, also from the Welfare Services, wrote to the police that they were concerned about Daniel Ambash’s children and hoped that the police was trying to arrest him.

Daniel Ambash was first arrested in January 2010, but he was released after four days of house arrest in Tiberias. While he was under house arrest, a judge decided that wiretaps would be placed on the family members’ cellular phones and home telephones.

On August 14, 2008 the police opened an investigation on Daniel Ambash, including surveillance, bugging, the deployment of investigators and undercover activity. On April 28, 2009, the police requested an arrest warrant for Daniel Ambash, on suspicion of child abuse, neglect and sending children out to beg. (Aderet notes, “After months of detective work, the journalist Uri Blau did not even have one picture of an Ambash ‘beggar boy!’”).

The involvement of a Chabad “counter-cultist” (Introvigne 1999) is mentioned in Blau’s article. In February 2008, a certain “Rabbi S.” of the Jerusalem Chabad community, was approached by Ayelet Kedem, the director of the Israeli Center for the Victims of Cults, who asked him for help in investigating the “Ambash cult.” The rabbi decided to infiltrate the Ambash gatherings, and told the journalist from *Haaretz*:

One day I dressed up like a Bretslover, with a big skullcap. I saw the children, ages 12 to 14, collecting money at the crossroads at the entrance to Jerusalem, and I came to them as if I wanted to join their band (Blau 2008).

Aderet challenged Uri Blau's account, as follows,

This rabbi deliberately lies... The real story was... one day he called me and said he saw our band and would like to meet Daniel and the kids and maybe join the band. I arranged a meeting with the boys... He never saw children begging because our children did not beg. There are people in Chabad who persecute and slander us, because we are publishing what Rabbi Yisrael ordered us to publish—that the Rebbe of Chabad is not a Messiah, that is a lie! (E-mail communication with Aderet, October 2018).

On April 17, 2009, Emanuel Rosen hosted a television show called *Ulpan Shishi* based on Uri Blau's article in *Haaretz*, in which he compared the Ambash family to David Koresh's "cult."

In January 2010, Goel Ratzon was arrested (see above). Ratzon, born in 1950, was a spiritual healer and self-proclaimed Jewish messiah. He lived in a Tel Aviv commune with 39 children and 17 plural wives who bore a tattoo of his face on their arms. He was held on suspicion of enslavement, rape, and extortion and indicted with nine counts of physical and sexual abuse. Significantly, the charge of "enslavement" was eventually dropped in his case. In 2014, Ratzon was sentenced to 30 years in prison.

In May 2010, Shai Abramof, 40, a man suspected of being the "cult leader" of a group called Ithaka, was accused of encouraging a teacher to starve and beat her young son. He committed suicide by hanging himself in his prison cell at the Hadarim Jail (Lappin 2010). It is interesting to note that this "cult leader," like Daniel Ambash, did not personally perpetrate the crime of which he was accused.

In March 2011, a special report on the Ambash family was aired on the TV show *360°* on channel TV2. It had been filmed in the Ambash home in Romema (Jerusalem) by journalists Rino Tsor and Dina Avramson, who had befriended the wives, saying their report would attract many people to their upcoming *Hilulot* concert. The film footage was edited to portray the Ambash family as a sinister cult, with background horror film music. The commentator compared Ambash to the notorious Goel Ratzon, whose criminal trial was currently in the news.

Two "cult experts" were invited as guests on the show, Sharona Ben Moshe of the ICVC and one of Goel Ratzon's former wives. Scenes of the happy Ambash family at their feasts were aired, with commentary ("Everything looks almost *too*

good”; “There are rumors of terrible neglect and abuse of minors.”) The ICVC lawyer ventured his opinion, that the Ambash wives were unwitting victims of “psychological slavery.” Goel Ratzon’s former wife noted, “They live under spiritual threats,” and gave examples of the spiritual threats she personally experienced, concluding, “Daniel Ambash is Goel Ratzon’s double!” The reporters also interviewed an ultra-Orthodox *yeshiva* boy from the Romema neighborhood where the Ambash family lived, blurring his face to hide his identity. When asked, “Are they a sect of crazy people?” the boy responded, “Yes, a sect of lunatics!”

In May 2011, an 18-year old woman named Hodaya (who had been a regular guest at the Sabbaths and religious holidays of 2009 held at the Ambash family home) saw the program and emailed the ICVC, asking that her identity be kept secret. “I lived in a Jerusalem collective,” she told the ICVC director, Rachel Lichtenstein. “I’m not certain, but I think it’s a cult” (Rotem 2011).

Lichtenstein then filed a complaint about Ambash to the police on behalf of Hodaya and arranged a meeting between Hodaya, the ICVC staff and the police in a hotel in Tel Aviv. This meeting was kept unofficial and, contrary to the law, was not recorded (Interview with Aderet in Jerusalem, August 31, 2018).

Hodaya alleged that Daniel Ambash was the leader of a “cult” who had been abusing his wives and children. Later, when she appeared in court, she modified her statement:

I just want to emphasize that I did not see much of these situations, I did not even see them at all, but it was something we kept hearing at home.

Hodaya became the key prosecution witness in the trial. The media dubbed her, “the seventh wife.”

According to Shiran, the sixth wife,

Hodaya had fallen in love with Daniel and proposed to him, but he felt she was too young, and we [the wives] did not accept her. She was not special (Interview with Shiran in Jerusalem, September 1, 2018).

Hodaya later told the District Court judge, “I never loved anyone as I loved Daniel.” But, she also testified that she had “escaped” from the Ambash family because she had witnessed a “violent rape.” She was quoted by a journalist as saying:

The defendant adopted the persona of someone chosen as a great spiritual and religious leader... and claimed to have supernatural and mystical healing powers... [and] spoke about his “special gifts” and demonstrated his powers and his charisma until the woman agreed to live with him and the other women, and adopt his way of life (Rotem 2011).

When Hodaya testified in court, the lawyer for the defense failed to show up for the cross examination. He had gone to appear in court in Haifa, unexpectedly, delegating the task to his assistant who refused, saying he “didn’t know enough.” Paradoxically, a month later, the Ambash wives watched a media interview with Hodaya, filmed by Dina Avramson for the program *360°*, in which the interviewer had asked her how she felt about the Ambash family. She smiled and said, “I did not want to leave them, they are a very special, good family.” The Ambash wives claim she had made a deal with the police, in which a shoplifting charge would be dropped in return for testifying against Daniel Ambash.

On July 4, 2011, the Jerusalem Police, with the Jerusalem Welfare Department and with the guidance of the ICVC, arrested the Ambash family and imposed a seizure on their property. This included two housing units in the Romema neighborhood, a house in Givat Shaul, two caravans, a house in Tiberias, a yeshiva house and GMC cars.

The arrest was prompted by the discovery of police wiretapping, according to Aderet, the fourth wife:

Daniel’s fourteen year old stepson, called the police because, “Dad isn’t home and a friend of my older brother is hitting me...” When the police called back and understood everything was okay, they didn’t even bother to come. But a month and a half later, one of the boys saw a strange wooden box behind the closet and ripped it out [not knowing it was a police wire]. When he opened the box to see what it was, five undercover cops swarmed the house yelling that everyone is under arrest. Chief Prosecutor Lilach Ranan admitted in the District Court hearing that the arrest was not planned, but they had to arrest us since the listening devices which were supposed to help gather evidence were exposed... Three years of close surveillance had yielded nothing (Interview with Aderet in Jerusalem, August 31, 2018).

The Anti-Cult Narrative

As Holly Folk points out in her open letter to the Supreme Court,

A preconceived narrative has driven the investigation. The court documents are replete with language intended to frame the group as a religious ‘cult’ with Daniel Ambash as the mastermind (Folk et al. 2018).

The “cult” word, however, was used selectively in the Ambash case. In 2011, the State Attorney’s Office had told the court that there was no claim that the Ambash family was a “cult” or a “sect.” During the Supreme Court hearing in 2016, the judge had said that this was not a case of a “cult leader.” Nevertheless, the Ministry of Welfare and Social Services consistently referred to the Ambash family as a “cult” in the family court where the fate of the children was being decided, and also in their interviews with journalists. Also, Judge Noam Sohlberg’s speech in the August 4, 2011, press conference displays a strong “anti-cult” bias:

Publishing details of the charges against the three cult members may be a vital service to those families... trapped in cults like this one, encouraging them not to give up, but to exhaust every possible effort to escape from the sect... At least part of the horrific descriptions in the charge sheet should be brought to public notice... because it seems that this is not an isolated event... There are other people whose relatives were caught in similar sects, and who had given up hope of rescuing their near ones from the cult; or who had perhaps not done everything possible in this regard because they did not know how horrific [the cults] are (Lidman and Paraszczuk 2011).

Twenty-five days after Daniel’s arrest, the police chiefs and the social workers attended a press conference in Jerusalem. There, they assured the fifty journalists present that the Ambash Family was indeed “a sadistic cult” (Lidman 2011).

Throughout the legal process, one might discern a relentless effort to force Daniel Ambash to conform to the stereotype of the “cult leader” who abuses and brainwashes. Standard characteristics of a “cult” found in anti-cult literature—as characteristics of other NRMs, such as the “Moonies” in the 1980s (Freed 1980)—were imposed on the Ambash family in an incongruous fashion. One such example is the claim that Ambash intentionally separated his wives from their families. In fact, this was not accurate, as the Ambash home videos show, for Ambash’s in-laws were often present at their family gatherings.

Another example is the claim that Ambash imposed a regimen of ritual confession, judgment, punishment, and “sweet time” on his women and children. Aderet notes,

The children were puzzled by the way the social workers and police kept saying, “tell us about confession and sweet time”—when in fact there was no such thing in their experience (Interview with Aderet in Jerusalem, August 31, 2018).

It seems the ICVC had noted this pattern in other groups (like Goel Ratzon's commune) and assumed it must therefore apply to the Ambash family, following the "seen one cult, seen 'em all" principle.

This dominant anti-cult narrative led to strange anomalies in the indictment. Many of the so-called "crimes" (later itemized in the judgment) qualify as mere deviant behavior rather than as actual "crimes" (e. g. disconnecting from one's parents, eating human excrements, or testing a woman's "wetness" with one's finger).

Folk points out that several "details in the indictment are [legally] irrelevant," and argues, "it seems they were included to flesh out the portrait of the group as a [pseudo-religious] 'cult'" (Folk et al. 2018). Because Ambash was supposedly a "cult leader" who mentally "enslaved" people, the private, intimate actions of others—undoubtedly repulsive but not actually illegal—were added to the list of "crimes" attributed to Ambash in order to concoct a stereotypical portrait of deviant leadership.

Holly Folk raises this point in her 26 July 2018 Open Letter:

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

Daniel Ambash had an alibi for many of the crimes. He was able to provide proof that he had been somewhere else when many of these heinous actions occurred (i.e. he was at the dentist, or distributing books in another city). But the alibi of a "cult leader" was deemed irrelevant by the court, the assumption being that brainwashing, like magic, can overcome time and space (Sarfati 2016b). As Folk notes,

the precedent-setting finding that atrocities could happen by proxy has ominous repercussions for religious freedom and personal civil liberties, as well as for criminal liability (Folk et al. 2018).

The Ambash Affair—A Case of "Moral Panic"?

The Ambash affair might be analyzed in sociological perspective as an example of what sociologist Stanley Cohen (1942–2013) called "moral panic" (Cohen

1972). The concept of “moral panic” has become almost a cliché, at least within the field of new religious studies, but it might be argued that our findings in the Ambash case help reiterate its relevance.

A *moral panic* is a widespread fear, often irrational, of a person or phenomenon that is perceived to pose a threat to the social values and the interests of a community. Typically, a moral panic is instigated and perpetuated by the news media, fueled by politicians, and might result in new laws or policies that target the source of the panic.

The Ambash case gives us a vivid example of how injustice may result when an unconventional individual is seen through the lens of an anti-cult group with a consultative role with secular authorities—law enforcement, social services and media. Stanley Cohen uses the term “folk devil” to describe the person who unwittingly incites the moral panic and becomes the victim of “scapegoating.” I would argue that Daniel Ambash was chosen by the media and the ICVC to become one of Israel’s “folk devils.”

A study of the 2015 bill proposing the creation of a new law designed to control “harmful cults” might contribute to our understanding of the thought processes behind Daniel Ambash’s arrest in 2011.

Ruah-Midbar Shapiro and Warshawski (2018, 68–69) refer to the State of Israel’s proposed “unique legislation, unparalleled throughout the world,” the 2015 “Bill for the Treatment of Harmful Cults,” submitted to the Knesset on July 20, 2015. They also note that, “the bill is a direct consequence of the 2011 Ministry of Welfare report” (Ruah-Midbar Shapiro and Warshawski 2018, 69).

The draft bill defined a “harmful cult” as follows:

A group of people, incorporated or not, who congregate around a person or an idea, in a manner that enables exploitative relationships of dependency, authority, or mental distress with one or more members.

The first problem with this definition is it is too vague and inclusive. What group does *not* entail the occasional experience of exploitation or mental distress by one or more of its members? This is part of the human condition, and occurs in “extra-cultic” contexts, in hockey teams, church choirs, cooking school, even in bands of chimpanzees, according to anthropologist Jane Goodall (2010).

The definition continues:

... by the use of methods of control over thought processes and behavioral patterns, acting in an organized, systematic and ongoing fashion while committing felonies which are defined by the laws of the State of Israel as felonies, or sex offences, or egregious violence, in accordance with the 2001 Rights of Victims of Crimes Act.

The second problem here is the unsupported assumption of how this exploitation or distress comes about—by brainwashing. By ignoring the academic debate over brainwashing theory, the bill implies that brainwashing is a respectable scientific theory that can be tested and proven to be in operation, and that it can be distinguished from the more mundane processes of persuasion, social pressure, etc. (see Klin-Oron 2016)

A third problem might be discerned. When felonies are committed by members who so just happen to be affiliated with a new or unconventional religious community, the assumption is they were brainwashed, forced to commit crimes. Thus, it will be the spiritual leader, not the perpetrator, who will be blamed and sent to prison.

The bill refers to “sexual offenses or severe violence as stated by the Law of the Rights of Victims of Felony—2001.” Within this anti-cult framework, Ambash was charged with multiple counts of rape and sexual aggression. His six wives were perceived as victims of brainwashing. Thus, every private act sexual of intimacy was perceived by the court as coercive. The consensus was that, because these women were living in a plural marriage, they must have been brainwashed by a “cult leader.”

The bill continues:

This law proposal comes to order the legislation surrounding this undefined area of harmful cults, which often causes difficulty in proving the connection between the heads and leaders of organizations of this kind and the commitment of offenses. While doing so, this law proposal defines what is a harmful cult while balancing and distinguishing between legitimate cults with religious characteristics and cults characterized by relationships of control and authority that operate while committing legal felonies.

This proposal solves the problem discussed above, of how to protect charismatic rabbis while singling out “cult leaders.” It achieves this by robbing cults of their “religiousness” and focusing on the issue of “control,” deemed as illegitimate because, as is regarded as typical of fake religions, their leaders’ control depends on brainwashing.

One finds in the statement that “bad” cults are “characterized by relationships of control and authority and operate while committing legal felonies,” the problematic assumption that *felonies will result inevitably; and that every single cult is pointed unswervingly towards a career of crime.*

The bill acknowledges the difficulty in proving that brainwashing actually happened and offers an easy solution:

Due to the difficulty to prove the connection between the heads of the cult and the felonies committed in the framework of the cult, *it is proposed that holding significant posts in the cult will, in itself, be defined as a criminal offense* punishable with 10 years in prison.

Thus, rather than assigning lawyers the knotty problem of tracing the history of communications between cult leader and perpetrators (both verbal and psychic), in order to prove to the court that the latter was mentally coerced to break the law, a far easier solution is, “When in doubt, lock’em up!”

But this bill stretches even further when it states,

it is proposed that holding significant posts in the cult will, in itself, be defined as a criminal offense punishable with 10 years in prison.

This seems to imply that: once a man or woman has been *labeled* as a cult leader, and even if no felony has been committed (yet), he or she should be sent directly to prison, simply for *being thought of* (by someone) as a “cult leader.” (The obvious questions regarding the academic credentials or the personal motives of the parties behind the labeling are ignored.)

I would argue that Daniel Ambash’s fate is the consequence of the same woolly thinking and “folkways” we find in the “Harmful Cults” draft bill. The Israeli courts—both the District (Criminal) Court and the Supreme Court—functioned as if a “Harmful Cults” law had already been passed, as if its dystopian impact on Israel’s legal system was already in progress.

Today, Daniel Ambash, a 65 year-old Franco-Israeli citizen, is serving 26 years for simply *being thought of* as a “cult leader.” If this dystopian law had been passed in the Knesset, we might have seen other cases similar to his in the news. And perhaps we might still, because of the peculiar manner in which the Anti-Slavery Law was applied, so as to include the notion of “cult brainwashing” in the Ambash trial. This provides a powerful precedent for those who wish to persecute Israel’s future “cult leaders.”

The Ambash “Family” Today

The Ambash family can be watched on their pre-2011 posted videos. Daniel, his six wives and fifteen children are enjoying their holidays; feasting, swimming, acting in skits, singing and dancing in public. After 2011, the family was torn apart. The two wives who left the family are still seeking and/or receiving monetary compensation in their role as “victims.” The four loyal wives live together and celebrate the Jewish festivals and respond to Daniel’s daily phone calls. In October 2018 they filed another appeal before the Supreme Court.

The Ambash children were placed in foster homes, boarding schools or psychiatric hospitals, and forbidden to contact their parents. Odel (2003–2018), the fifteen year-old daughter of Ilana (Daniel’s first wife), was placed in a boarding school and had written letters to the judge begging to return home. After escaping several times, she was found unconscious on the street. She was badly beaten, there were signs of rape and cigarette burn marks on her body. She had ten surgical operations, but died in hospital after persistent attempts by social workers to keep her mother ignorant of her daughter’s situation and to prevent her from visiting her daughter’s bedside. Oddly, there was no police investigation of the crime or inquiry into the circumstances at the boarding school that prompted her to run away (Interview with Ilana Ambash in Jerusalem, August 30, 2018). One of the Ambash sons, Israel, was accused of rape and threatened with prison in the police interrogations, prescribed psychiatric medication and persuaded to witness against his father for the prosecution. After he wrote to the State Prosecutor’s Office retracting his testimony, he was confined to a psychiatric hospital. Daniel Ambash’s parents and sister fell ill and died while he was in prison and he was unable to visit them or attend their funerals.

In a rare display of journalistic compassion, Marianne Azizi (2016b) muses on Israel’s treatment of the Ambash family:

The innocence or guilt of Daniel Ambash is not for the reader, nor it seems is it for a judge. The real trial could be of the [Israeli] system itself, which conspired to destroy an entire family unit, based on just a few bribes, words and hearsay... The Ambash family bore the brunt of all the institutions combined: false claims, social workers seizing children and abusing them, police brutality, false imprisonment, and a judge’s gag order that interfered with their right to tell their side of the story.

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The Religious Challenge of Neo-Hasidic Judaism: Contextualizing the Daniel Ambash Case

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ABSTRACT: The worldview of the Na Nach and other neo-Hasidic movements is often perceived as a collective social threat by other groups in Israel. This paper explores the civil and social issues contributing to the public understanding of the Daniel Ambash case. The primary focus is on the theology that makes possible the miraculous claims of neo-Hasidic movements. I show that charisma is mediated through lineages set through theologies of embodiment and reincarnation. This is a radical challenge to conventional Judaism. The paper also addresses the contemporary situation of polygamy in Israel. Even more than theological disagreements, the practice of polygamy has potential to disrupt Israeli society, for it embroils Jews, Muslims, and secular people. Israel is responding to these issues through the Ambash prosecution.

KEYWORDS: Daniel Ambash, Embodiment, Hasidism / Neo-Hasidism, Incarnation, Rabbi Israel Ber Odesser, Jewish Messianism, Judaism, Kabbalism / Kabbalah, Na Nach, Polygamy, Reincarnation.

Introduction

Judaism is not a monolithic tradition, though many practitioners wish it were so. My goal in this paper is to outline some of the religious context for the Daniel Ambash case, and show how it reflects several issues that are controversial in Israeli society. This article is somewhat a “guide for the perplexed” for readers with no familiarity with esoteric Judaism. Kabbalah scholars will find this compilation quite basic, but I hope to explain some things about Haredi (ultra-Orthodox) Judaism that readers outside Israel generally do not know, yet which figure into how the case has been handled.

The Daniel Ambash family are “Na Nachs,” followers of a twentieth-century Rabbi, Israel Ber Odesser (1888–1994). The “Na Nachim” are one of several modern movements that have emerged from the Breslav tradition. The Breslav themselves are devoted to Rabbi Nachman (1772–1810), a great-grandson of the first Hasidic leader, the Baal Shem Tov (1698–1760: Cohen 2012). The “Na Nachim” regard Rabbi Odesser as *Moshiach*, following the lineage of Rabbi Nachman’s reincarnations.

Israel is a modern, ethnically and culturally diverse democracy with a commitment to religious freedom, and it also was founded as a homeland for Jewish people. The State of Israel is tasked with simultaneously safeguarding Judaism, secularity, and religious pluralism. These goals do not have to conflict, but sometimes they do. It is important to understand how this story connects to ideas in Hasidism that trouble conventional Judaism. In the middle section of this paper, I trace the history of some of the religious concepts behind Rabbi Odesser’s messianic claims. I do this both to interpret his beliefs, and to show how Hasidic Judaism carries a strong theological challenge to “mainstream” Judaism. This accounts for much of the opposition to the Hasidim, who are seen as radical disruptors to religious order.

Let me explain some things that will help readers understand my argument. Many scholars use the term “religious establishment,” but in the case of Israel it has special meaning. The Israeli government lets the mainstream Orthodox branch set the terms for religious laws and customs. This has important practical implications for the certification of marriages and religious conversions, and for determining who is allowed to emigrate to Israel under the Law of Return. In recent years, the religious and civil authorities have come under increasing criticism from non-religious Jews, as well as members of the Conservative and Reform movements, who reject the stringency of Orthodoxy. There is also pressure from the right, as the ultra-Orthodox call for the expansion of religious regulation of public life.

The Ambash case has unfolded in the middle of a struggle over the *doxa* for Judaism. Most of the major branches of Hasidim were founded in the 18th and 19th centuries. In recent years, a number of figures have broken with these historic groups and established devotional communities with distinctive teachings (Garb 2009, 13; Persico 2014). Many of these “new Hasidisms” are in their first generation, with leaders who are still living. Several figures have emerged from

the Breslav lineage alone (Mark 2011). They are a fruitful topic for research on new religions, but what is important here is that the Israeli government and anti-cult activists frame these groups as religious “cults,” and associate them with stereotypes, like the assumed need of charismatic leaders to dominate their followers.

Presenting new Hasidic communities in this way is meant to deflect attention from the collective challenge they present to Israeli society. Hasidic Jews conform to strict codes of religious dress, diet and social behavior, but they advocate a radically different worldview than the mainstream Orthodox, with whom they are sometimes confused. The Hasidic tradition has an openness to mystical presence in the world, in a way critics would describe as being supernaturally oriented. Elaborate theologies of embodiment stand behind Hasidic devotion to Rebbes. Further, many Hasidic and neo-Hasidic groups are incontestably millenarian, declaring we are living in the immediate runup to the appearance of *Moshiach*, and the rupture of human history with a complete transformation of the world.

Promotion of the NaNach movement, combined with a lifestyle that resembled “polygamy” meant the Ambash Family, somewhat inadvertently, triggered multiple flash points in Israeli society. Daniel Ambash is likened by critics to Goel Ratzon, leader of a small religious group who was convicted for domestic violence and sexual abuse (Sagiv 2017). Susan Palmer has outlined the framework for the intimate relations within the Ambash Family, and I agree with her assessment that the intimate acts between the adults were consensual (Palmer, this issue of *The Journal of CESNUR*). Daniel Ambash did not initiate the “partnerships” with the women; rather, they proposed, adding friends to the household.

There is no evidence that Daniel Ambash ever sought to install himself as a successor to Rabbi Odesser, but that is subordinate to the biases that drove the investigation, and to its public presentation in the media. There is widespread fear of prophetic charisma in Israeli society.

The Na Nach Movement and Post-Modern Messianism

The Na Nachim exemplify something important to understand about “traditionalist” religions (Magid 2002; Persico 2014). It is a mistake to think of religious fundamentalism as guarding the past. As a social type, fundamentalist

religions are revivals of imagined historic traditions, and a great deal of innovation tends to happen. Micha Odenheimer describes the Na Nach movement as “postmodern” messianism, and as “ultra-Orthodox, anti-rabbinic, trance-dance Messianic universalistic Judaism,” observing that, “the impulse toward magic, largely taboo after the Enlightenment, no longer seems to scare” (Odenheimer 2006).

The Na Nach movement revolves around a wondrous claim made by their founder, Rabbi Odesser, who in 1922 received a miraculous communication while living and studying in a yeshiva in Tiberias (Cejka and Koran 2015, 39). On the fast of Tammuz, Rabbi Odesser’s hunger drove him to eat some bread, breaking his fast. Rabbi Odesser grew despondent after falling victim to his animal human nature in this way. He took to his bed, but later felt motivated to rise and go into the library in search of a book. A letter fluttered out of the volume he pulled, carrying a message Rabbi Odesser believed was intended specifically for him:

It was very hard for me to descend to you, my precious student, to tell you that I benefited greatly from your service. And about you it was that I said: my fire will burn until the coming of the Messiah—be strong and courageous in your service—Na Nach Nachma Nachman Me’Uman.

And with this I shall tell you a secret: Full and heaped up from line to line!

And with the strengthening of your devotions you will understand it. And the sign is: They will say you are not fasting on the 17th of Tammuz (Odenheimer 2006).

The letter ended with a mystical formula based on Rabbi Nachman’s name: “Na Nach Nachma Nachman Me Uman.” The premise of this word play is the Tetragrammaton; the conclusion, “Me Uman,” (“from Uman”), is a reference to the town in Ukraine where Rabbi Nachman was born. The Na Nachs believe this mantra opens the gates of prayer to mystical presence. For them, it represents the tenth song of the Shirot, the “Redemption Song” associated with *Moshiach*. Rabbi Odesser took the “petek” as a divine commission from Rabbi Nachman, to announce the time of *Moshiach* to the world. Rabbi Odesser came to believe his soul was joined with that of the *zaddik* (Rabbi Nachman), and by extension to Rabbi Nachman’s previous incarnations.

Neo-Hasidic religious beliefs raise questions about what is theologically legitimate or “true” in Judaism. These are active, not passive, concerns. When previously non-observant Jews become *Baal Tshuvah* (new observants), abstract

questions about Jewish identity and authenticity are brought directly into family life. Converts to ultra-Orthodoxy often attenuate relations with their families, because their parents are not observant enough for the son or daughter to eat at home or visit for Shabbat. In this light, it is not surprising that one of the accusations against Ambash was that the women were not allowed to see their families. The charge fed into public expectations, in no small part because family division is an experience with which many people are familiar. I spent considerable time with Shiran's father, and with Aderet's parents. All three were emphatic that communication with their adult children had not been blocked.

Incarnation Theology and Hasidic Legitimation

Ideas about human incarnations are controversial in Israeli society. There is a strong tendency in Judaism not to speculate about the afterlife, and teachings about reincarnation go against this protocol. For many subtypes of Judaism, reincarnation is a "heretical" idea. Reincarnation presents a sociological challenge as well. The belief is associated with Asian religions, which have become very popular among liberal Jewish populations, so that Buddhist and Hindu traditions are now seen as a major threat to continuity of Judaism.

Yet reincarnation beliefs run strongly through the Breslav tradition (Gershom 2000, 157). Shaul Magid sees Rabbi Nachman as having had an especially pronounced theory of embodiment (Magid 2014). Rabbi Nachman announced a remarkable lineage, envisioning himself as the fifth incarnation of Moses. Breslav belief holds that Rabbi Nachman's second and third incarnations were as two prominent kabbalists: Rabbi Shimon bar Yochai (?–160 CE), traditionally believed to be the author of the *Zohar*, and Rabbi Isaac Luria (1534–1572). The fourth incarnation was the Baal Shem Tov, founder of the Hasidic movement, and one of Nachman's grandfathers (Mark 2009; Dov-Ber Odes 2018; Goultshin 2018). Rabbi Odesser saw himself directly in Rabbi Nachman's lineage, claiming that his soul and Rabbi Nachman's were unified. Rabbi Odesser frequently said, "I am the mouth and spirit of Rabbi Nachman" (Gershom 2000, 157).

The processes of spiritualizing neo-Hasidic leaders like Rabbi Odesser derive from long traditions in esoteric Judaism. The iconic figure of the *zaddik*, a "righteous," saintly person whose spiritual excellence imparts supernatural powers, is recognized across most traditions of Judaism. In Hasidism, it holds

special meaning, for the status is ascribed to the Rebbes who lead Hasidic communities. Other branches of Judaism see the Hasidic devotion to Rebbes as deification of human beings, and thus a violation of the commandment against idolatry.

Furthermore, while exoteric Judaism rejects incarnation theory almost entirely, esoteric Judaism has a robust vocabulary for spiritual embodiment. Kabbalism supports the belief in *yehudim* (union), *gilgul* (reincarnation) and *ibur* (impregnation) with the idea that there is a fundamental multiplicity to the existence of human souls. The biblical Adam is believed to have encapsulated all the souls of humanity. One should not overlook the social consequences of this idea; the metaphor puts all human beings, throughout history and into today, in a sacred narrative, where their lives and futures are joined in a single body. The belief shapes Kabbalist understandings of the individual physical body too, though. This worldview allows for there to be multiple incarnations of souls, and for there to be continuities of appearances across time.

Jewish ideas about incarnation have several points of origin. There is a debate over whether transmigration (*gilgul*) represents the survival of Gnostic ideas from antiquity, or whether it is a later importation. Gershom Scholem (1897–1982) asserted that *gilgul* has been a strong aspect of Kabbalistic thought since the 13th century (Scholem 1997, 197). Shaul Magid sees Hasidism as the strongest exponent of embodiment/incarnation theories, and he raises the provocative point that Hasidic incarnation theology may draw on Christian ideas (Magid 2014).

Gilgul, or reincarnation, has a long history in Jewish thought (Neusner 2001; Winston 2018). In the ancient world, and into the middle ages, Jewish families sometimes saw newborn babies as the transmigrations of older siblings who had died (Ogren 2009). The most restrictive interpretations of *gilgul* limited it to people who die childless; they were seen as needing to return to complete their task of procreation. Historically, the belief supported Levirate marriage, with the assumption that the son of such a union would be the transmigration of the dead first husband. As retribution, *gilgul* was often regarded as a punishment incurred for major religious violations, such as for the *karet* punishments that “cut one off” from Israel (Scholem 1997, 208–10). A Kabbalist legend credits Rabbi Jacob Abulafia (1240–1291) with restoring to human form people who had been

turned into oxen for trimming their beards in their past lives as human beings, which was a violation of religious law (Ben-Amos 2011, 124–25).

Reincarnation is not promoted in the dominant strains of modern Judaism, and there are many reasons why incarnation beliefs are controversial in Israeli society. There is a strong tendency in Judaism not to speculate about the afterlife, and teachings about reincarnation go against this protocol. Further, reincarnation validates a supernatural worldview, which is rejected in many Jewish sub-cultures. As mentioned earlier, reincarnation presents a sociological challenge as well, as it is associated with Eastern religions that are seen as dangerous competitors of Judaism among young Israelis.

In Kabbalism, an idea that is related to *gilgul* is “*iburim*,” or “impregnation,” whereby the soul of a spiritual person can temporarily inhabit a living person. *Ibur* is understood as occurring so that a soul can accomplish a task. The Kabbalist Rabbi Hayyim Vital (1542–1620) claimed that the daughter of Rabbi Raphael Anav (16th–17th century) was “impregnated” with the soul of Rabbi Jacob Piso (16th century) as a call for repentance (Faienstein 1999, 20–3). Using the metaphor of procreation, *ibur* explains how a soul can divide, multiply, and inhabit several bodies. *Ibur* solves the problem of who at the time of the resurrection will possess a soul that has inhabited several bodies (Scholem 1997, 216).

In some teachings, *ibur* is seen as an occurrence for the righteous, and *gilgul* for atonement, but these ideas are often intertwined (Scholem 1997, 221–22). Kabbalism also proposes the possibility of *yihudim* (“unification”)—the union of a person’s living soul with the soul of a dead sage or *zaddik* (Faienstein 1999, 26). This may be the category of embodiment closest to how Rabbi Odesser understood himself, in relation to Rabbi Nachman’s legacy. Yet Rabbi Odesser never explained how the Rebbe’s arrived in him and became identified with his persona. I asked the Ambash Family for clarification, and even Daniel Ambash stated it was a mystery.

Reincarnation is discussed in many Kabbalistic texts, including the *Zohar* and Lurianic Kabbalah. In the 16th century, Rabbi Hayyim Vital consolidated Jewish teaching on reincarnation in two books: *The Gates of Holiness* (Sha’arei Qedushah), and *The Gate of Reincarnations* (Sha’ar ha-Gilgulim) (Ogren 2009). Rabbi Vital was also one of the strongest exemplars of the Kabbalist pattern of

transmigratory lineages. Rabbi Vital self-identified with a remarkable number of figures, including Cain, David and Saul in the Bible, as well as Rabbi Judah Ha-Nasi (?–217 CE) and the sages Rabbi Hillel (110 BCE–10 CE) and Rabbi Akiva (1st–2nd century CE). The full list of Rabbi Vital’s personae runs about three pages of text (Faienstein 1999, 15, 88, 164–66). Rabbi Vital saw himself enduring several transmigrations for Halakhic transgressions (Faienstein 1999, 25). He also claimed to be the “Messiah of Joseph,” which merits some explanation. According to the view of some Kabbalists, there are potentially two Messiahs: of Joseph and of David. The “Messiah of Joseph” is understood to be a figure who reincarnates in every generation (Faienstein 1999, 14, 292). A version of this idea has been carried forward by the Na Nachim, and the “Messiah of Joseph” was cited to me by the Ambash women in a conversation about the potential for ancient religious figures to reincarnate in the present day.

Reincarnation theology reinforces and legitimates the status of *zaddikim* and other religious leaders. Across the Kabbalist world, one finds figures creating past-life lineages for themselves, and identifying the transmigrations of their associates. Moses was probably the most frequently mentioned past life (Ogren 2009). Rabbi Isaac Luria regarded the North African Kabbalist Rabbi Abraham Barukhin (1035–1094) as the prophet Jeremiah (Weinstein 2016, 88), and Rabbi Isaac Safrin of Komarno (1806–1874) claimed to be a transmigration of Rabbi Isaac Luria (Faienstein 1999). These ideas work together to support the divinization of modern messianic leaders, too. New Hasidisms tend to endow their leaders with sacred genealogies. One example is Eliezer Berland (of whom Ambash was always very critical), leader of the Shuvu Banim Hasidim, who is recognized as an *iburim* by his followers, one of whom told a reporter for *Ha’Aretz* that “God can be incarnated in a human being, in the form of the *tzadik*” (Rabinowitz 2018).

The Tenth Shiro: Prophetic Ultimacy

Jewish messianism has an entirely different foundation from Christian eschatology, but it is possible to see polygenetic similarities in their logical structures. Jewish apocalypticism does not follow the Darbyite system of dispensations, but does have a way of dividing human history into sacred ages. One set of beliefs that is common draws on the Ten Shiro—songs in the Bible

praising God, which popular Jewish eschatology links to eras of human history. Under this logic, it is the “Tenth Song” that is most important, for it is associated with *Moshiach*.

In this way, the Tenth Shirot represents the final era of humanity before the revitalized world of the messiah. Hasidic Judaism does not envision an end-time destruction. Rather, its vision of the transformation of the earth and human life follows the optimistic pattern of “progressive millennialism” described by Catherine Wessinger, in which cosmic transformation happens non-catastrophically (Wessinger 1997). Yet, this distinction should not blur the sharp apocalyptic edge to their worldview.

The text for the “Redemption Song” is frequently seen as chapters 9 and 26 from the book of Isaiah (“Ten Shirot and Ten Sefirot” 2018). In contrast, the followers of Rabbi Odesser see the Na Nach formula itself as the Tenth Song. This symbolic alignment reinforces the millennial worldview of the Na Nachim. It was in the context of a conversation about the Tenth Shirot that I learned that the Ambash women believe that the current living population of Jewish people are reincarnations of the Israelites from Exodus. They referenced a prediction made by the Kabbalist Rabbi Isaac Luria, that the last generation before *Moshiach* would be the reincarnations of people from the time of Exodus.

Polygamy in Israeli Society

In general, Hasidic and neo-Hasidic groups do not promote polygamy, much less practice it. But plural marriage is found in many Israeli subcultures, and it is one of the issues to which the government is responding through the Ambash case.

Polygamy has a long history in Judaism, and it poses questions about how the past will define the future directions of both Israeli society and the Jewish religion (Kalifon 2015). The issue has the potential for tension among all of Israel’s sub-populations. Jewish polygamy dates to the time of the Bible: the Patriarch Jacob, King David and King Solomon all had multiple wives. Some of the Hebrew sages, including Rabbi Akiva, had two wives. Polygamy is not outlawed in the Talmud; rather, the text presents circumstances where it might be favorable, such as for Levirate marriage.

Ashkenazic Jews stopped practicing polygamy about 1000 years ago, when the head of the Diaspora for the Ashkenazim, Rabbi Gershom ben Judah (960-1040), called a rabbinical council that outlawed polygamy in Europe. It is not clear why the rule was made in the first place, but a common interpretation is that it was intended to deflect attention from Jewish communities at a time of anti-Semitic pogroms (Adelman 1994). The ban blocked much of the practice of polygamy in Europe, but it did not end its discussion. Through several centuries, Talmudic scholars debated potential exceptions to the ban, such as a rule that 100 rabbis could certify a second marriage if it could be established that the first wife was mentally impaired and thereby unable to consent to a divorce or support herself as a single woman (Brody 2014; Hoffman 2014). Later, Rabbis argued that the “ban” only applied in France, and that it should have ended in 1240, corresponding to the 5th millennium in the Jewish Calendar. The ban did not apply to Jewish populations in other areas, and polygamy continued to be practiced by Yemenite Jews and other Middle Eastern populations into the twentieth century. The 16th century Sephardic migration reintroduced the practice of polygamy into Italy, which resulted in at least a small number of legal cases (Adelman 1994).

At the time of the formation of the Israeli state, polygamy was debated, mostly as a question of how to accommodate Ashkenazic, Sephardic, and Mizrahi customs (Klorman 2014). Jewish tradition holds that there should be only one set of practices and customs in a locality. Some Ashkenazic scholars believed the Talmudic directive, to abide by the practice of the local community where one moves, implied that Ashkenazic customs should defer to those of the Sephardim.

The current status of polygamy was set in 1977, with the passage of a revision to the penal code (Penal Law 5737–1977, in Elon 2008). In modern Israel, it is a legal violation to formalize a polygamous relationship in any way, and one need not have a marriage contract or civil ceremony to be found guilty of breaking the law. Sharing a cup of wine, for example, can suffice as a ritual consecration, with a penalty of five years in prison.

Many scholars follow the lead of Aharon Gaimani, who in 2006 stated that polygamy does not really exist in modern Israel, but there is reason to question the consensus (Gaimani 2006; Klorman 2014). In the past few years, the Israeli government has learned that rates of polygamy among the Bedouins and Israeli Arabs are higher than previously reported, and in fact are higher than in several

Muslim-majority countries (Harkov 2017; Bob 2018; *Times of Israel* 2018). In 2015, there was an outcry when two Muslim candidates who were polygamous were elected to the Knesset (Kalifon 2015). In the summers of 2017 and 2018, Prime Minister Benjamin Netanyahu promised to work to end the practice.

Although some Sephardim continue to practice polygamy, Israeli law forces them to do so covertly. As a result, some Sephardic ultra-Orthodox rabbis call for its legalization. The most outspoken Sephardic leader on this topic was Chief Rabbi Ovadia Yosef (1920–2013), who died in 2013. Since then, his followers have started an organization, Habayit Hayehudi Hashalem (The Complete Jewish Home), whose goal is to legalize second marriages for Jewish men whose first marriages have not produced children (Mandel 2011; Kalifon 2015). In recent years, Israel has seen small numbers of Jews, in addition to Muslims, endorsing the practice (Smith 2011).

Only a few Orthodox rabbis in Israel publicly call for the legal recognition of polygamy. The supporters do not agree on the details, or even on the reason the practice should be restored. A scholar who writes under a pseudonym has posted many of the justifications on a website, “The Orthodox Jewish Pro Polygamy Page” (L’Yakoov 2018).

In Israel, I interviewed two rabbis who officiate polygamous marriages. They had very different understandings, and in fact disagreed directly with each other on whether a husband needed the permission of his first wife to take another (one individual said this was mandatory, and the other said the husband need not consult his wife at all). Yet both rabbis saw second marriages as a way to solve problems when divorce was unadvised or impossible: if, for example, a first wife was infertile, or if she developed a medical condition, such as dementia, that mandated her continued care. Under such circumstances, they see divorcing the first wife as in fact less compassionate than the husband’s continuing to support her without necessarily co-habiting. Furthermore, both rabbis raised the conflict between European and Middle Eastern customs, and voiced the preference that Israel follow Sephardic practices. For one rabbi, however, polygamy is most important for its potential to help birthrates in Israel. Noting that many modern Israeli women are childless, he attributed this to their inability to find adequate husbands.

Polygamy is popularly associated with “cults,” and it is unfortunate that the Ambash Family’s lifestyle was used to create this caricature. The Ambash women

themselves prefer to describe their relationships with Daniel as intimate “partnerships,” but not marriages. The Ambash Family might more accurately be described as “polyamorous,” though it is understandable why the Ambash women would reject this terminology. It would be a Halakhic violation to participate in such a lifestyle, though polyamory is not illegal under Israeli law. Framing the Ambash Family’s lifestyle as polygamous helped “other” them as a “dangerous cult,” and it also served to render the practice of polygamy as socially deviant, by associating it with the Ambash Family.

Anti-Cult Activism: A Misguided Search for Order

The Ambash case needs to be understood against a backdrop where both the religious and legal authorities in Israel have maintained a campaign against Jewish messianism. The “anti-cult” movements in both Israel and America have religious factions, with the main difference being that in the U.S. the main proponents are conservative Protestants. In Israel, the Israeli Center for Victims of Cults, a group including secular members but believed by some to be aligned with the Orthodox, had an undisputed role in pushing the investigation of Daniel Ambash and his family.

A journalist of *Ha’aretz* claimed the Chabad movement participated in the investigation of their household (Blau 2008), but there is not strong support for this claim. I think the longstanding bitterness between the Breslav and Lubavitch may have engendered suspicions, though it is not hard to imagine a historic rivalry growing even stronger amid present-day messianic competition.

One reason relations with Chabad may have grown especially antagonistic is that each group harbors a messianic contingent (Heilman and Friedman, 2012; Heilman 2017, 210–56). Shortly before he died in 1994, the last Chabad Rebbe, Menachem Mendel Schneerson (1902–1994), proclaimed the imminent return of the messiah. In Israel and New York City, Chabad Lubavich launched prominent public relations campaigns, buying extensive advertising on buses and the NYC subway system. Rabbi Schneerson died without a male heir, and today Chabad is distinct among Hasidim by being led by a board of trustees. Many Lubavich Hasidim believe their Rebbe is still spiritually present in the world. This belief has split the Lubavich movement, with the “Meshichist” faction regarding

Rabbi Schneerson as *Moshiach* himself (Mahler 2003). Like the Na Nachim, they anticipate an imminent world renewal.

The growing visibility of the Meshichist faction may have contributed to authorities's growing commitment to root out contemporary messianic Jewish movements. In 2014, legislation was proposed in the Israeli Knesset that would restrict the activities of new and minority religions, by labeling them dangerous "cults." The Bill for the Treatment of Hurtful Cults, 5774–2014, would establish a list or registry of "dangerous groups." It also would change the Guardianship and Capacity Law, 5722–1962, and allow for adult guardianship of individuals who had joined registered groups. Masua Sagiv describes the understanding of a "hurtful cult" in the proposed legislation as "a group of individuals, whether incorporated or unincorporated, who unite around a person or an idea, in a way that sustains use of authority or mental distress of one or more of the members, by using methods of mind and behavior control, and acts in an organized, systemic and ongoing pattern, while committing offenses" (Sagiv 2017). As recently as 2016 the legislation was moving ahead in the Knesset, but it has been slowed for now.

Daniel Ambash did not style himself a guru or religious leader. His actual role was as a promoter of Rabbi Odesser's messianism. That the family's concerts and outreach were favoring the growth of the Na Nach movement appears to have made them a social threat. While in Israel, I interviewed Daniel by phone three times, and in one conversation asked him how he came to take up the mission of spreading news of the *petek*. He explained that Rabbi Odesser had asked him to do so, shortly before he died. When I asked why he, Daniel, was chosen for this duty, Daniel responded that Rabbi Odesser "had told lots of people."

In 2010, the Ambash Family gave a concert outside the Old City in Jerusalem. The performance was filmed, and a complete video can be viewed on YouTube (Ambash Productions 2010). The audience spaces were divided by gender, and there is only minimal footage of the women's section. From the scenes shot of the audience on the men's side, however, it is clear the show was well attended, with hundreds of young men crowded into the dance space. At one point, the Ambash performers throw handfuls of the distinctive NaNach *kippot* into the crowd. Dozens of young men scrambled to grab the white knitted caps with pompoms on top, that bore the NaNach formula in Hebrew writing.

Should one read a switch of allegiance into their replacing their traditional caps with a concert souvenir? Perhaps not; Modern Orthodox young people can be very creative, even playful in the designs they choose. In the Old City, one can find *kippot* with parody logos of popular commercial brands like Coca Cola; caps with a green marijuana leaf in the center are also offered for sale. The concert attendees may not have “converted” to the NaNachim, but their enthusiasm in the moment is captured on tape. The Ambash Family showed me the video with pride, pointing to what they had achieved before the raid upended their lives. The concert was undeniably impressive, but it was not hard for me to envision how a production of its size, with such a positive audience response, would be seen as a social threat by anyone who felt threatened by the NaNach message.

It was this video I thought of when Daniel’s lawyer, Jacob Arditi Landman, told me he was convinced the Ambash investigation had been done to “decapitate” the NaNach movement. Israel has not grappled with the meaning of these aspiring messiahs, and their enthusiastic followers. Mind control is an easy, attractive hypothesis, because it seems to simplify the problems raised by Jewish heterodoxy. Daniel Ambash has been used, literally, as a scapegoat. The authorities seem to believe that his incarceration will remove all traces of the movement he represents from public life. This explains some of the court’s behavior, such as forbidding members of the family from proselytizing the Na Nach message. Yet, silencing Daniel Ambash and his family will not stop the swell of traditionalist Judaism in Israeli society. Will the government attempt to end them all? That would be a radical treatment to the body politic, one likely to destroy the free society the authorities purport to save.

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The Absence of an Expert Opinion in the Ambash Case and the Problem of the Victims' Rights

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“Dishonest scales are an abomination to the Lord,
But accurate weights find favor with Him”
Proverbs 11:1

ABSTRACT: The article analyzes the notion of victim first of all in its historical context, Greek, Jewish, Christian, and modern. It then addresses the issue of victims' rights acknowledged by international conventions. Applying its principles to the Ambash women's case, it concludes that qualifying them as “victims” is based on a dysfunction of justice.

KEYWORDS: Daniel Ambash, Ambash Case, Victims, Victimology, Victimization.

Introductory Remarks

This brief article aims to analyze the notion of victim, in one of the most problematic legal contexts. In 2008, Daniel Ambash was arrested and sentenced to 26 years' imprisonment after a trial in which he was convicted of eighteen charges. It is not our purpose to analyze the terms of the judgment; however, in order to assess the severity of the verdict, it is necessary to recall that the decision of the judges was based on the fact that the accused had in the first place been found guilty of “enslavement” of the members of his family (Sarfati 2015a).

Two remarks are necessary, before getting into the heart of the subject. First of all, the notion of “enslavement,” in this case, is combined with the hypothesis of “mental submission” (the judges attribute telepathic powers to the accused when

they speak of mental influence); this hypothesis has no validity in any part of the world where modern jurisdictions prevail, based on procedure and material evidence (Anthony and Introvigne 2006). In this case, the verdict is an axiomatic system; all other counts are extrapolated or derived from this main charge. On the other hand, the judges defined Daniel Ambash's companions as his victims. However, his four companions refuse *this qualification that they did not demand*, and fight since the beginning of his imprisonment for the revision and the acquittal of their life companion.

The Ambash case is not a trivial criminal case, since the defendant was presented as the leader of a sadistic sect, characterized by the regular practice of rape, and the abuse inflicted on both the defendant's companions and their many children. The fact that this family was formed on the fringes of the accepted norms (de facto polygamy, education of children at home) tends to blur the representations: the moral judgment, in this case, has clearly outweighed the reasonable and rigorous assessment of the facts.

The judicial situation that has prevailed since 2008 in the treatment of this case, which makes headlines, with notable variations in the media influencing the public opinion, involves many difficulties. The most notable, that remains the object of perplexity and interrogation, concerns the unilateral classification of persons who are identified as victims, without this assertion being—according to the rule in a criminal case—justified in the least, neither by the alleged victims (who are not plaintiffs, and do not constitute a civil party), nor by any legally mandatory expert opinion, at any level whatsoever (judges and/or lawyers). Finally, during the trial, no defense witness was heard, only witnesses for the prosecution.

The Idea of Victim in Western Civilization

The understanding of the notion of victim has evolved greatly throughout history, from Greek antiquity to its conceptualization in modern jurisdictions. This history is, so to speak, identical with that of the great civilization benchmarks, as well as with their internal changes. Gérard Lopez (Lopez 2010) recalls that the reassessment of the notion of victim is the result of three “epistemological breaks,” which benefited from the emergence of contemporary

understanding, from three fields: the socio-cultural and scientific field, the philosophical field, and the legal field.

Two paradigms of victimhood coexisted in ancient times: the Greek model, and the Biblical model. In the 5th century BCE, in Athens, the center of power moved from the Acropolis to the Agora. This considerable event, which founded democracy, took place due to the growing influence of the Sophists (de Romilly 2004). However, this significant transformation of the political exercise, as well as that of the conception of justice (*dhikè*), were based on the idea of an order of things being ruled according to a relationship of macro/micro-cosmic analogy, based on a cyclical conception of time, resistant to the idea of progress (Vernant 1965).

Breaking the standards of justice is a violation of the cosmic order, which calls for a punishment proportional to the seriousness of the fault. In this context, the penalty takes on the meaning of an atoning sacrifice, of which the victim is the real culprit as well as any member of his family clan. In other words—and this is a distinctive feature of pagan civilizations—sovereign power presupposes the notion of *collective responsibility*. Justice commands sacrifice, and the designated victim is forced to acknowledge his guilt. His death alone will allow the restoration of the cosmic harmony that his crime had disturbed. This is the meaning of Iphigenia's sacrifice ("Sacrifice me, overthrow Troy!" makes her say Euripides [around 480-406 BCE]).

The recognition of the individual character of the sin appeared after the battle of the Arginuses (406 BCE), with the ten strategists' trial, who, although victorious, were sentenced to death because they had given up collecting the deaths during a storm. This is when the change of consideration of the victimary process took place, as the Greeks regretted their execution of their own general staff.

Competitive to the sacrificial paradigm of the expiatory type, which has long prevailed in Greece, the Hebrew universe attests to a much older evolution, to which testifies in Judaism and in Christianity the problematic of the victimary process. As the Biblical account of patriarch Abraham's life tells us, the sacrifice that God commanded him to practice on his only son Isaac ended up with the substitution of an animal, assigned by an angel at the place of the immolation (*Genesis* 22:1–14). This account remains emblematic of the point of mutation

which, under the influence of nascent monotheism, the Hebrews had reached, putting an end to the very principle of human sacrifice.

But in the Biblical tradition, the persecution of the prophets, often forced to flee or to seek refuge to escape the wrath of a king or a crowd (Elijah, Jeremiah, to name but two examples) indicates that the sacrificial recourse for the purpose of restoring a theological-political order culminated with the death of Jesus, whose teaching stresses the need to break out of the fascinating circle of violence (Girard 1982; Balmary 1986; Lopez 2002). The Hebrew theme of the scapegoat finds no doubt in the condemnation of the Son of Man one of its culminating points, in the form of a refusal expressed in an exemplary manner by the victim himself, unlike the Greek framework of thought where the victim recognized the necessity of his own sacrifice, as an uncontrollable ritual, whose understanding was intimately linked to a cyclical conception of cosmic and human time.

On the philosophical level, the emergence of monotheism, its confrontation with the ethical norms of Greek thought, as a result of centuries of controversy, as evidenced by the history of Western scholasticism (Tresmontant 1964), the Jewish resistance to paganism (in practice as much as on a spiritual level), the doctrinal and temporal hegemony (through the monarchies of divine right, until the French Revolution of 1789), defeated the Greek cosmology, by diffusing in the mentalities the innovative conception of a linear time, if not a vector of moral progress (Tresmontant 2017). This factor contributed decisively, as much as the monotheistic personalism, to the renewal of the understanding of the notion of victim.

Beyond medieval maturation, the development of experimental rationalism at the time of the Renaissance was also a decisive factor in changing mentalities. The rise of analytic thought definitely defeated the analogical frame of reference (Foucault 1966). Correlatively, the formation of the philosophy of the subject— at the end of a long journey that starts from Augustin (354–430) to René Descartes (1596–1650), through Michel de Montaigne (1533–1592)— establishes the idea of the *cogito*, that is to say an autonomy and a personal exercise of thought, which makes man a responsible subject, with a free will and an effective understanding. As we know, it was the Enlightenment philosophy, perceived in its doctrinal diversity (Cassirer 1996), that relayed, on a collective level, notably through the *Encyclopaedia*, the new conceptions of the world, of

humanity and of progress, even if this revolution coincided globally with a systematic secularization of the theology of salvation (Löwith 2002).

On the legal side, the main mutations reported at the moment will be translated at a large scale, under the pen of Cesare Beccaria (1738–1794), an Italian jurist who endorsed the humanistic ideals of the Enlightenment. In his pioneering treaty *Dei delitti e delle pene* (Offenses and Penalties, 1764), the author opens the field of modern criminal jurisdiction, advocating important proposals in matters of investigation and procedure. These proposals will serve as a basis for the criminal justice of democratic states. Beccaria defends the principle of written criminal laws, pleads for the constitution of an accusatory procedure—which prevents from applying the simple good will of the Prince—and advocates the abolition of torture (extortion of confessions), but also of the penalty of death. He also introduces the definition of intangible and rational punishments—thus preventing the arbitrariness of power—as well as preventive measures to fight against crime. Beccaria’s innovative ideas will inspire major procedural reforms in criminal law, and will, at least in most democratic states, have important consequences, putting an end to the cruelty that characterized the courts of the Ancien Régime (Foucault 1975).

From the beginning of the 20th century on, psychoanalysis sheds new light on the human *psyche*, since Freud’s metapsychology emphasizes the importance of the unconscious, which renews the understanding and the very conception of subjectivity. The rise of modern linguistics, resulting from the work of Ferdinand de Saussure (1857–1913), equally overturns the classical conceptions of the individual, dispelling the illusion that he is the exclusive source of his enunciation. The two models come together, thus laying the foundations of the structuralist perspective (Lévi-Strauss 2003), anxious to emphasize the existence of logical formations that escape the consciousness of individuals-subjects. This renewal of the social sciences opens new perspectives to criminology and victimology. From now on, it will be necessary to agree with the irrefutable observation that the subjects most often obey, in their defending body, many determinisms capable of explaining part of their behavior. There is a psychology of the criminal, like a psychology of the “target victim,” so that to the notion of “subject of law” will be added that, critical, of “subject of the speech.”

At the end of the 20th century, Western civilization, which seems to have come back from totalitarian experiences, elaborates, in the context of post-modernity

(Lyotard 1979), a humanism of individualistic orientation, at the center of which the theme of human rights occupies a core place. Through this new mutation, the ethical concern becomes more constant, and tends to invade all social practices: the philosophy of “care” collides with an increasing sensitivity to the fragility of human beings. The hedonistic affirmation of the meaning of life goes hand in hand with a “deification of man” (Ferry 1996). Victimization is akin to the expression of this ethical concern, and the victim tends to become a “founding value” of civilization, as observed by René Girard (1923–2015). These developments are in line with a significant affirmation of humanitarian values (Sarfati 2015b).

The Fundamental Rights of Victims in Modern Legislations

Most often mirroring the major changes, previously restated in broad strokes, victimology took note of this cultural proliferation, integrated its contributions, while contributing to the evolution of the law, so that at the beginning of the 21st century this social science, itself heterogeneous as to its sources, is combined with legislations that guarantee the rights of victims (Cario 2001).

— Being a Victim is a Legal Status

The common use of the notion of victim—associated with the expression of a complaint unrelated to the effect of a serious prejudice (“I was a victim of a metro delay”), or in an entirely ideological way (“the victims of duty”), or any subjective way to speak (“he is a victim of himself alone”)—must not be confused with the legal concept coined from the same notion, to encompass under a legal category all the subjects who, at a given moment in their history, suffered a prejudice that could be recognized by the State and accepted by a court of justice (appellate, criminal, etc.).

The concept of victim presupposes a long history of the field of victimology (Cario 2001; Lopez 2010), based on the following definition: “A victim is an individual who has suffered harm recognized by a law, a text, or a regulation” (Lopez 2010, 5).

—The Fundamental Rights of the Victim

The definition we just recalled has as an objective correlative, a set of legal provisions, which is ratified by international conventions (Cario 2001, vol. 2), subjected to a consensus between the signatory states. These same provisions intend to characterize all the fundamental rights that distinguish the *victim status* under the law.

In the same vein, the signatory States undertake, by adopting the international conventions relative to the rights of victims, to enforce these rights, to enable the persons concerned to assert them, so that they may sue to obtain compensation for the suffered damage or injury. International jurisdiction in the area of victims' rights is combined with three main statements: Article 8 of the Universal Declaration of Human Rights (Resolution 217 A [III], adopted by the United Nations General Assembly, 10/12/1948), providing for the right to access to justice; the declaration of 21/12/1965 on the elimination of crimes related to racial discrimination; and United Nations resolution 40/34 of 11/12/1985 on crime and abuse of power.

—Meaning, Legal and Practical Scope of the Rights of the Victim

A careful examination of the legal arsenal that decides on the status of victim makes it possible to reveal nine main provisions, which in principle have the force of law. Here is the inventory: (1) The right to access justice to plead one's case, (2) The right to be informed, (3) The right to be assisted and/or accompanied, (4) The right to compel the State to investigate effectively, (5) The right to a fair trial, (6) The right to be compensated, (7) The right to be protected, (8) The right to be taken care of, and finally (9) The right to be treated with competence.

Let's have a look at and define each of these rights more precisely (following Lopez 2010, chap. 4):

(1) *The right to access justice*: This is the first right granted to the victim, since practically it is from this principle that the following ones are deduced. From this first principle results that someone can be confirmed in the status of victim. This means that the legislator must facilitate this prior recourse. By virtue of this prerequisite, a victim must be able to freely apply to the courts, by seizing the immediately competent authority (police station, judicial authorities, etc.). This

first right also implies that the victim must be assisted for all expenses incurred as legal costs (attorney's fees, legal fees, bail).

(2) *The right to be informed*: This equally primordial provision depends on the State situations, as it is true that the lack of a legal culture of the citizen can be in sharp contrast with the complexities of the law, but this information must be guaranteed (town hall, police station, organizations or associations specialized in the defense of victims).

(3) *The right to be assisted and/or accompanied*: The assistance in question is that of a legal adviser, who allows the victim to sue, even if her personal financial means do not allow to do so. It is thus a complete legal aid (*supra*, 1), *a fortiori* when dealing with a minor. Below the legal age, any minor, victim of damage or injury, especially if the legal representatives are lacking (parents, family, guardians), must be accompanied specifically.

(4) *The right to compel the State to investigate effectively*: This right implies the possibility for the victim to be allowed to provide evidence; moreover, and this is consistent if the impartial application of the law is pursued, the same right implies that the evidence provided by the victim is taken into consideration by the judge(s). This fundamental right means that the victim is a full participant of the trial that concerns her. In many modern jurisdictions, the procedure remains the prerogative of the judges, because of the great inquisitorial power of the judiciary, which constitutes a legacy of the jurisdictions of the Ancien Régime.

(5) *The right to a fair trial*: This provision takes into account the inevitable dialectic that develops between the victim and the accused, that is to say between the victim and her alleged offender (accused, but not guilty until the verdict is rendered). In the modern jurisdictions, the presumption of innocence must in principle guarantee this nuance; in practice, the outbid of the media tends to shatter the presumption of innocence. That is what happened at once in the Ambash trial. This right must allow the victim to support her cause, to come and plead in support of the expert actors. It is a principle of equity that, if respected, must be reflected in at least two ways: by guaranteeing the rights of the defense, while also guaranteeing the right to the expression of the victim in the course of an open debate against the accused;

(6) *The right to compensation*: This right is guaranteed by the State, it is enforceable as soon as the concerned individual has received the legal status of victim (*supra*, 1).

(7) *The right to be protected*: It is known that the victim is constantly exposed to acts of retaliation, which her aggressor, even imprisoned, can exercise through various means of blackmail, threats, or intimidation. All these maneuvers can directly concern the victim, or weigh on his relatives and/or his entourage. By deciding to go to Court for compensation, the victim is exposed to new dangers. The victim must therefore be protected by the State against the perpetrator of the offenses, throughout the whole duration of the repair proceedings;

(8) *The right to be taken in charge*: This provision constitutes a significant innovation of the modern courts, since it concerns, beyond the compensatory allowances (*supra*, 6), a set of complementary and indispensable procedures, which contribute to the repair of the damage or the harm suffered psychological, but also medical, care. The right to be taken care of is an essential part of the victims' rights, since it defines the concrete plan of the expertise, through the technical and clinical references of the listening and the care. The *competent expertise*—of the psychologist and the psychiatrist—as well as of physicians (in cases of physical aggression, most often causing serious psychological trauma and/or physical injury) has become in modern jurisdictions a *fundamental moment of instruction and conduct of the trial* (Lopez, Portelli and Clement 2007). *This means that the attribution, the granting and the recognition of the victim status is inextricably linked to the work of the experts*. Any attempt to contravene what is now a prerequisite constitutes a major denial of rights, and leaves considerable room for arbitrariness.

(9) *The right to be treated with competence*: This last provision is deduced from the previous ones, removing any possible ambiguity. In short, this right recapitulates and synthesizes the precedents. It is a matter of reaffirming the need to provide the victim with all the assistance that she may need, both in terms of services (counseling, assistance, information, protection, expertise, etc.) and of care, for the sole purpose of avoiding revictimization of the victims.

The “Victims” of the Ambash Affair

The quality of “victims” was attributed to the women and children who constituted the extended family of Daniel Ambash, before his arrest in 2008. An independent counter-investigation (Sarfati 2015a) established that the women are not victims of Daniel Ambash, and that the mistreatment of the children in this family is mainly the work of a former partner of the convicted person, who benefited from the status of “witness turning state’s evidence” (primarily for the prosecution) and who, through this status, enjoys to this day a complete criminal immunity.

It should be added that, following specific procedures, minor children have been placed in specialized institutions. In 2017, escaping from the center where she had been sent to by Court order, one of the girls of the group was found unconscious with her spine broken, raped with bruises and burns of cigarettes left on her body. No investigation was conducted, and the social services, which are legally responsible for the population of young minors placed in their centers, did not have to report on this situation. The teenage girl died in the spring of 2018, following several surgeries. The father, detained in prison, was not allowed to be present at the burial of his daughter, and senior representatives of the social services were sent to the Jerusalem cemetery to prevent the mother of the child, and the few others present, to approach the burial place.

Another child, only thirteen years old in 2008, was manipulated by the prosecution to bring the most severe charges against his father. He then publicly retracted his testimony, in an open letter to the judges and the prosecutor. He had been interned by court order, subjected to unjustified psychiatric treatment. The combination of trauma caused by the attitude of the police, the context of the trial, and the mistreatment committed against him by the social services have weakened him for a long time. This boy, today major, is followed for schizophrenic disorders: the suffering and the feeling of guilt had their destructive effect.

An Automatic Attribution

Let us recall the facts and logically consider what results from them.

In the context of the investigation, the Jerusalem Court granted the status of victims to D. Ambash's companions. But in this specific context, the Court's decision was accompanied by two related decisions, since it is *a special statute*:

a – Prohibition of taking legal action because they are “victims of Daniel Ambash.”

b – Prohibition to assert any right as *designated victims*.

Note that in their case, the judiciary has overridden all stages of clinical, psychological and medical expertise:

a – The companions of D. Ambash were not heard as victims.

b – The companions of D. Ambash were not subjected to any psychological or psychiatric examination.

c – The companions of D. Ambash have also not been subjected to any forensic examination which would be necessary in such a situation.

In other words, in the Ambash case, in a completely derogatory manner, *the judges replaced the experts*. Leaving their field of attribution, they arrogated to themselves skills of expertise that are not theirs: psychological expertise, forensic expertise. As regards the definition and the attribution of the legal statute of victim, the judges involved in the Ambash affair have used a discretionary power: they did not order the required expert opinion in criminal matters, on the one hand in order to validate the status of the victims, on the other hand to justify that this status was properly granted. Let us remind, indeed, that the results of an expert opinion constitute evidence in the investigation of a criminal case, at least within States with modern jurisdictions, and that are signatories of major international conventions on law and protection of victims.

The author of this text, who is also the editor of the counter-investigation, has met several times with Ambash's companions. As a psychotraumatologist, he can say that these persons have no primary or secondary symptoms of severe psychic trauma. Whereas in the case of trauma, the symptomatic manifestation persists, in the absence of care, causing serious personality disorders (as is the case regarding some children detained in institutions of the social welfare). But the “victims” of D. Ambash present perfectly balanced, combative personalities, eager to recover their speech and their civic and existential integrity.

It is important to recall the following facts:

a – The companions of D. Ambash are not complainants, they have never been a civil party, they have always refused to do so.

b – The companions of D. Ambash claim that they are not victims of D. Ambash, they have remained united and leagued since the beginning of his trial and of his imprisonment, to defend their friend, multiplying initiatives, press campaigns, working with supporters and lawyers to obtain a review of the trial, and demand the acquittal and release of the convicted person.

c – Nevertheless, by virtue of their status as designated victims, they are deprived of all their rights as alleged victims.

A question arises: do the judges of Jerusalem know better than the people concerned, here the companions of D. Ambash, if they are victims? By virtue of which judicial or extra-judicial jurisdiction have they decided to adopt a series of derogations? Why did the Israeli judges, in charge of the Ambash case, attribute to Ambash's companions a victim status that they never claimed, and that they refuse to endorse? The designated victims may be carriers of *elements of truth in this case*, which are likely to undermine the substance of the very logic of the investigation, implying the authority of all bodies involved: the police and the investigators, the social services, the judiciary. Why otherwise *irrevocably invalidate* the statement of the victims?

The State Victimization

The above development has shown that, in the light of international jurisdiction over victims' rights, the Jerusalem Court has adopted a paradoxical and arbitrary decision. Paradoxical, because the granting of the victim status makes the individuals in question victims designated but not acknowledged as such; even more paradoxical, because a special status, a derogatory status, is used to gag the alleged victims and systematically deny their rights. Arbitrary finally, since the attribution of the victim status was made in spite of any expertise proceeding, likely to bring tangible evidence. This indicates that, strictly speaking, if the legal expert opinion had been mandated, it is very likely that it would have invalidated the judges' assessment: *Daniel Ambash's companions are not victims of Daniel Ambash, they are victims of the justice of their country, that is to say, Israeli citizens who are victims of the State of Israel.*

The following table explains how each of the nine fundamental rights of victims has been and continues to be violated:

International legal provision for the protection of victims	Treatment of victims designated by the Jerusalem Court in the case of Ambash
Right to access justice	The special/derogatory status on principle prohibits them the exercise of this right.
Right to information	The only information is the one provided by the representative body of the FECRIS-MIVILUDES anti-cult federation in Israel.
Right to assistance and support	The designated victims fully assume the costs of the proceedings... to establish that their partner is not a criminal (enslaver, sadistic cult leader, rapist, etc.)
Right to compel the State to investigate efficiently	The inquisitorial nature of the judiciary allows judges to neglect or refuse to conduct an effective investigation.
Right to a fair trial	The convicted person was denied a fair trial; the rights of the defense were not respected. The judges did not ask for any expert opinions, neither on him nor on his “victims.” The results of this expert opinion could be a decisive element in favor of the Ambash family.
Right to compensation	The judiciary broke the Ambash family and drove it to ruin. To pay the legal fees, the convicted person’s “victims” have sold their homes and belongings, and to this day live in a situation of constant precariousness.
Right to protection	The “victims” have not been protected; they have been troubled and persecuted by the State, since they wanted to assert their version of the facts. Like the women, the children of the Ambash family were subjected to a sequel of continuous violence aimed at obtaining statements that can be used against the convicted person.
Right to being taken care of	The “victims” of D. Ambash were initially imprisoned. They were beaten and abused, deprived of their children, harassed by social services. No expert opinion was provided, which would have allowed them to prove that they are no “victims.”
Right to be treated with competence	The judges have arrogated to themselves the

	main competences, abolishing the possibility of treating the Ambash case in accordance with the rights of the defense and the rights of the victims.
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Conclusion: The Return of the Scapegoat

A society under high belligerous tension, that is to say a society accustomed to a certain threshold of collective violence, in a climate of siege mentality, most often encouraged by the security ideology, particularly related to the terrorist threat—would this lead to a tendency to harden the provisions of its criminal jurisdiction, or even to allow a not inconsiderable part of arbitration infiltrate its canonical procedures? The question arises, and the horizon it suggests is perhaps one of the elements that have to be addressed in considering the incomprehensible management of the Ambash Affair, since we have become aware of it.

If this hypothesis has any validity, it would mean that we would be obliged, in this societal context, to differentiate between two categories of victims: the victims who receive their full justification by national interest (*raison d'état*), therefore the worthy victims, and the shameful victims, victims without justification, indefensible and unjustifiable, appointed by the same national interest, to restore to civil society the sacrificial part of which modernity has deprived it. In this case, the justified victims would be those of war and terrorism, as the polemology has shown (Bouthoul 1997), while the unjustifiable victims would be those, too closely involved in a criminal case, whose symbolic integrity, honor and fundamental rights are being flouted by the State who was supposed to protect them.

This judicial dualism—a caricature of the “double standard” adage—contrasts two conceptions, and indeed two victim politics, whose contradictory representation can be seen in the following schema:

National interest (<i>raison d'état</i>)	Judiciary and Criminal Cases
Recognized victims	Designated victims
Justified victims – victims of war: tribute of the Nation – victims of terrorism: being taken care of	Unjustifiable victims – compromised in a criminal case – suspected
Positive Process of Restorative Justice	Discriminatory process of an eviction justice

Symbolic and/or practical reintegration of victims	Over-victimization / scapegoat strategy
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By a completely unexpected bias, Israel, whose collective memory remains forever burdened by the trauma of the Nazi genocide (Epstein 2005), would, through the perceptible dysfunctions of its repressive judicial system, contribute to the introduction of traumatogenic mechanisms, typical of any aggressor system (Sarfati 2015a).

But also, by a singular effect of system, we would attend the discrete return of the purifying ritual of the “scapegoat.” Indeed, the unusual treatment of the four companions of Daniel Ambash seems in our opinion to accredit this hypothesis, so much the unintelligible conduct of the Israeli judiciary appears in this case tainted with irrational motives.

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Documents

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Does “Mental Slavery” Exist? An Expert Opinion

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ABSTRACT: In August 2018, lawyers representing Daniel Ambash requested five leading scholars of new religious movements to prepare an expert opinion on whether something called “mental slavery” is generally recognized as a feature of the controversial new religious movement labeled as “cults” by their opponents. The scholars accepted to prepare an opinion pro bono (i.e. without requesting or accepting any honorary) on the general issue of “mental slavery,” summarizing or reproducing their previous work, without directly addressing the case of Daniel Ambash. Their conclusion was that “mental slavery” is simply used in this context as a synonym for “brainwashing,” and that brainwashing theories have been debunked long ago as pseudo-scientific tools used to limit religious liberty of unpopular minorities and justify the criminal practice of deprogramming.

KEYWORDS: Mental Slavery, Mind Control, Brainwashing, Anti-Cult Movements, Margaret Singer, Deprogramming.

Introduction

We have been requested of an expert opinion on the subject whether notions such as “brainwashing,” “mind control,” or “mental slavery,” allegedly used by “cults” to control their “victims,” are generally accepted in the social scientific study of new religious movements.

We have prepared this answer to the general question, without entering into the details of any specific case. We are also signatories of a letter written to the Knesset by several international leading scholars of new religious movements, urging members of the Israeli Parliament not to pass a proposed law against “cults” based on notions of mind control we regard as non-scientific (Introvigne et al. 2016).

The question was debated in depth during the so called “cult wars” of the 1970s and 1980s (Shupe and Bromley 1980; Bromley and Shupe 1981; Shupe and Bromley 1994), when a societal reaction developed against the success in the West of new religious movements, either imported from Asia or domestic, labeled as “cults” by their opponents. By the 1990s, the “cult wars” had largely ended in North America, although they continued in certain European countries and elsewhere, including in Israel.

We have studied the “cult wars” for decades, and some of us have been active participants in them. Others have served in institutional capacities dealing with problems of religious liberty involving small and unpopular minorities. In 2011, for example, Massimo Introvigne served as the Representative of the OSCE (Organization for Security and Cooperation in Europe) for combating racism, xenophobia, and intolerance and discrimination against Christians and members of other religions.

The Cult Wars

In the period from the late 1960s to the early 1970s, dozens of new religious movements appeared in the United States and in Europe, some originating from Asia. Many of these movements targeted college students in particular, leading some to drop out of school and become full-time missionaries, throwing their families into shock. While some of the converts’ parents were not religious, others found the religious reaction to the phenomenon to be weak and

inadequate. Most religious organizations limited themselves to a theological critique and to the labeling of the movements as “heretical.” Thus, next to an old religious “counter-cult” movement, a similar, but secular, “anti-cult” movement appeared (Introvigne 1995, 32–54). The secular movement claimed not to be interested in creeds, but only in deeds, wanting to scrutinize the new movements from a non-religious perspective and to take some sort of action in order to save the “victims” of the “cults.”

We shall not retrace the full path of the anti-cult movement here. Suffice it to note that in the United States in the 1970s and contemporaneously in Europe, in France especially, the anti-cult movement became “professional,” moving from an early stage, when it was led by the parents of “cult” members, to a new stage dominated by psychologists and attorneys. In this new phase, there was a merging of the theories about the harmfulness of “cults” in general and the body of theories connected to brainwashing and mental slavery.

“Mental slavery” was obviously a metaphor based on physical slavery, with “mental chains” replacing the physical chains of the slaves of old. “Brainwashing” was a concept originally developed during the Cold War in order to explain why apparently “normal” people could convert to such an evil ideology as Communism. The two words were truly interchangeable, and the comments we offer here on “brainwashing” also apply to “mental slavery.”

Brainwashing theories offered a crude, popularized version of previous research on why so many working-class Germans joined Nazism, carried out in the 1920s by the Marxist Frankfurt’s Institute for Social Research. The word “brainwashing” was coined by Edward Hunter (1902–1978), an OSS and later CIA agent whose cover job was that of a reporter, first with English-language publications in China and later at the *Miami Daily News*. Hunter expounded the theory of brainwashing in several books, starting from *Brain-Washing in Red China* (Hunter 1951). As used by CIA propaganda, the brainwashing theory was a gross simplification of the complex, Frankfurt-style scholarly analysis of totalitarian influence. In a 1953 speech, Allen Welsh Dulles (1893–1969), then the CIA director, explained that “the brain under these circumstances [i.e. under Communist influence] becomes a phonograph playing a disc put on its spindle by an outside genius over which it has no control” (Schefflin and Opton 1978, 437).

Gradually, from Communism the theory of brainwashing was applied to “totalitarian” forms of religion, and even to religion in general. A crucial step in this direction was the publication in 1957 of *The Battle for the Mind* by English psychiatrist William Walters Sargant (1907–1988) (Sargant 1957). The CIA, in the meantime, continued to study brainwashing and recruited, during his professorship at the University of Oklahoma, psychiatrist Louis Jolyon “Jolly” West (1924–1999), who later went on to become the director of the Department of Neuropsychiatry at the University of California at Los Angeles, and served as a link with the anti-cult movement. While Sargant thought that brainwashing was at work in processes of religious conversion in general, West was instrumental in restricting the application of the theory to “non-legitimate” or “manipulative” forms of religion only, i.e. “cults,” making it more acceptable for the general public.

West rarely testified in the courts on the matter of “cults,” and his “epidemiological” theory of brainwashing that considered the joining of “cults” a “disease” and an “epidemic” (West 1989, 165–92) found only limited acceptance. The brainwashing theory that was applied to the “cults” by the anti-cult movement in the 1970s and 1980s was for the most part a construction of Margaret Thaler Singer (1921–2003).

A clinical psychologist who lectured (without ever becoming a tenured professor) at the University of California, Berkeley, Singer had been a student of Edgar Schein (1928–), a leading scholar of manipulative influences, and even co-authored some articles with him. Schein and Robert Jay Lifton (1926–) tried to make sense of the CIA brainwashing theories by studying Chinese Communist “thought reform” practices, producing controversial but well-written academic statements about manipulation (Schein, Schneider, and Barker 1961; Lifton 1961).

Singer often appeared in court as an expert witness and, in a sense, she invented a new profession as a psychologist in the service, practically full-time, of anti-cult lawsuits and initiatives. Singer made frequent use of terms such as Schein’s “coercive persuasion” and Lifton’s “thought reform,” treating them as synonyms for “brainwashing.” In the 1990s, she wrote books and articles with Janja Lalich, who believed she had been the victim of brainwashing by a “political cult,” having been a member of the Democratic Workers Party, a Stalinist organization regarded by the American authorities as connected with

international extreme-left terrorism. Having left that organization, trying to make sense of her own experience, Lalich worked with Singer (Singer and Lalich 1995) and eventually earned a doctorate.

Critics of Singer, including forensic psychologist Dick Anthony, countered that Singer was misusing Schein and Lifton, and that the latter explicitly cautioned about using his theory in order to make distinctions about legal and non-legal religious indoctrination. Anthony, himself a respected expert of new religious movements, wrote a landmark article on the controversy in 1990 (Anthony 1990, 295–341), followed by a comprehensive doctoral dissertation in 1996 (Anthony 1996). He was often called to testify in court against Singer, and was in turn one of the key figures in the counter-advocacy movement by those scholars who perceived the activities of Singer and of the anti-cult activists as an abuse of science and a serious threat to religious liberty.

Singer suggested a framework of “six-conditions” in order to identify whether religious movements were in fact “cults” and were “brainwashing” or “enslaving” their followers: “keep the person unaware that there is an agenda to control or change the person;” “control time and physical environment (contacts, information);” “create a sense of powerlessness, fear, and dependency;” “suppress old behavior and attitudes;” “instill new behavior and attitudes;” “put forth a closed system of logic” (Singer and Lalich 1995, 63–4).

Singer claimed to have derived her six conditions from similar sets of criteria employed by Lifton (“eight themes”) and Schein (“three stages”). Anthony countered that this was not the case. Both Schein and Lifton, Anthony noted, mentioned “coercive persuasion” and “thought reform” as processes that are at work in greater or lesser degree in a great number of institutions such as political parties, convents, prisons, or military academies. Singer did not just claim that a “cult” is quantitatively different from other institutions committed to changing ideas and behavior because it applies “coercive persuasion” or “thought reform” more intensely than others. She rejected outright the idea that was central to Schein, i.e. that societal approval or disapproval of “coercive persuasion” depends upon its contents: “I am less interested in [...] the content of the group” (Singer and Lalich 1995, 61). According to Singer, the problem laid neither with degree of intensity nor with contents. It was the type of brainwashing process adopted by a religious group that defined it as a “cult.” And this process, as used by “cults,” she claimed, was qualitatively different from the methods employed by

“legitimate” institutions such as Catholic religious orders or the U.S. Marine Corps.

In fact, Singer listed nineteen points of difference between the “cults” and the Marines, stressing that these difference from the Marines also applied, for example, when comparing “cults” to the Jesuits or other “legitimate” forms of religion. Singer then concluded that the Marines practice a type of “indoctrination,” while “cults” apply real “brainwashing.” The key factor distinguishing indoctrination from brainwashing, Singer claimed, was deceit, for according to her those indoctrinated by the Marines or the Jesuits know exactly what sort of organization they are joining, while those who approach the “cults” are “recruited by deceit.”

Marine recruiters do not pretend to be florists or recruiters for children’s clubs. Nor do Jesuits go afield claiming they are ‘just an international living group teaching breathing exercises to clear the mind of stress’ (Singer and Lalich 1995, 101).

Here, the American psychologist referred to her campaign in American and European courts as an expert witness opposing the Unification Church founded by the Korean self-styled messiah Sun Myung Moon (1920–2012). Singer could rightly state that, at a certain point in its history, and in a specific location (California), Moon’s church was in fact enticing young people to attend its seminars without revealing the organizing group’s identity. This practice was, however, restricted to a special sub-group of the Unification Church, the so called “Oakland Family,” was never generalized in Moon’s organization, and was comparatively short-lived (Barker 1984). Critics maintained that generalizing the Oakland Family’s practices as if they were typical of the Unification Church everywhere, or of “cults” in general, was grossly unfair.

The Rise and Fall of Deprogrammers

Singer, however, went on and, together with sociologist Richard Ofshe, started a systematic cooperation with the anti-cult organizations and with the law firms that for the first time forcefully posed the question of whether the brainwashing that “cults” allegedly practiced should be considered illegal and entitle the “victims” to a monetary compensation, creating at the same time a lucrative business for the lawyers. In fact, not all the parents of young people who had joined new religious movements were so patient as to wait for the dictates of the

courts. Some of them hired “deprogrammers,” a new profession that first arose in the 1970s, whose members were neither psychologists nor psychiatrists but had backgrounds in private security or law enforcement, or were themselves former members of controversial groups or even petty criminals.

For example, Steve Hassan was a former member of Reverend Moon’s Unification Church and Rick Ross had been convicted for burglary and grand theft before discovering that posing as a self-styled specialist in “cults” and offering deprogramming services was less dangerous than robbing jewelries, an activity he had engaged into before re-inventing himself as a “cult expert.” On 10 January 1975, Ross was charged for attempted burglary and pleaded guilty in exchange of an agreement lowering the charge to conspiracy (Justice Court, Northeast Phoenix Precinct, Maricopa County, Arizona 1975; Superior Court of the State of Arizona in and for the County of Maricopa 1975). On July 23, 1975, Ross, with a store clerk as an accomplice, was able to steal 306 pieces of jewelry from a Phoenix shop, pretending he had a bomb in a box ready to detonate (Kastrow 1975). On 2 April 1976, he was sentenced to four years in jail for the robbery (Superior Court of the State of Arizona, Criminal Division 1976).

Without stopping to think whether their actions might in turn be illegal, these “deprogrammers” lured the members of new religious movements into their parents’ homes under various pretexts, sometimes even kidnapping them in the streets or in the religious group’s residences. They then shut them for days in hotels or isolated houses, “bombarding” them with negative information about the group, hoping to “decondition” them and “reverse” the effects of brainwashing.

Although they tried to introduce some distinctions, anti-cultists such as Singer and Ofshe were often perceived as justifying deprogrammers, which made their advocacy even more controversial. In the 1970s and 1980s, there were many instances of “deprogrammers” accused of resorting to drugs, physical violence, and even sexual relations (including sexual abuse) to “deprogram” their clients (Shupe and Darnell 2000; Shupe and Darnell 2006). Several well-known “deprogrammers” ended up in jail. In the end, in the 1990s the organized anti-cult movement distanced itself from the deprogrammers, publicly disapproving their methods. Deprogramming, however, kept going on, often disguised under the label of “exit counseling,” which should be theoretically non-coercive, although the difference is sometimes hard to tell in practice.

From the end of the 1970s throughout the 1980s, the legal outcome in the United States of the “cult wars” looked shaky. The lower-court judges, especially in small-town courts far from large cities, were sympathetic to the parents’ arguments and took various actions against the “cults” that were accused of “brainwashing” practices. Sometimes, the judges even cooperated with the “deprogrammers,” by entrusting in the custody of the parents, for periods of time, adult children who were ruled to be temporarily mentally incapacitated so that they could be “deprogrammed” without problems. But most of these decisions were overturned on appeal, where both Singer and Ofshe often testified against “cults” and Anthony, together with several senior academic sociologists who had studied new religions movements, in their favor.

In the well-known 1977 ruling *Katz*, a California Court of Appeals overturned an order that had granted temporary custody to the parents of adult members of the Unification Church. In their decision, the Court of Appeals judges asked whether investigating if a conversion “was induced by faith or by coercive persuasion is (...) not in turn investigating and questioning the validity of that faith,” which is clearly prohibited under the U.S. Constitution (Court of Appeals of California 1977). “Coercive persuasion” was Schein’s terminology, although the judges used it in the meaning that, in the meantime, Singer had given it. But, for all purposes, *Katz* put an end to temporary custody orders issued on behalf of “deprogrammers,” and started criticizing advocacy by Singer and her followers by suggesting that too often brainwashing theories and the liberal use of the label “cult” functioned as no more than an attempt to use a so-called “scientific” language to mask value judgments about unpopular beliefs.

In 1978, one year after the *Katz* decision, the Peoples Temple suicide-homicide in Guyana sowed panic against the “cults” all over the world, breathing new life into the anti-cult movement. In this new climate, “deprogramming” found new impetus, and some attorneys linked to the anti-cult movement pursued new strategies meant to induce former, “deprogrammed” members to claim damages for the brainwashing to which the “cults” had allegedly subjected them. For a number of reasons, the legal battle focused on the lawsuit of David Molko and Tracy Leal, two teenagers (now of age) who had joined the San Francisco Unification Church despite their respective parents’ strong opposition. Six months after joining, they had been successfully “deprogrammed,” to the point that they brought a lawsuit against the Unification Church for damages they

claimed to have suffered as a result of brainwashing. In 1983 and 1986, two California courts rejected Molko's and Leal's complaints (Anthony and Introvigne 2006; Introvigne and Melton 2000).

These episodes confirmed that two opposed camps existed at the time, and were so perceived by the media and public opinion. On one side were the anti-cult associations (among them, the Cult Awareness Network was very active in the courts and in deprogramming, while the American Family Foundation was more oriented to information and research), the deprogrammers, a group of psychologists and psychiatrists who applied brainwashing theories to the new religious movements, several journalists, and a handful of anti-cult academics. In the other camp were the new religious movements and their lawyers, associations that promoted religious freedom, some psychologists of religion, and nearly all sociologists and historians who were busy defining the study of new religious movements as a specialized field of the social sciences applied to religion. In the latter group the leading figures were J. Gordon Melton and James T. Richardson in the U.S. and Eileen Barker in Great Britain; in 1984, the latter had written what quickly became the standard critique of brainwashing theories with respect to the Unification Church (Barker 1984).

The two camps faced each other in the courts. The psychologists and psychiatrists who supported the brainwashing theory were accused of covering up the illegal activities of the "deprogrammers." They replied that the scholars (sociologists and historians in particular) of new religious movements were covering up the similarly illegal activities of the "cults." Both camps also accused each other of using unscientific methods to further preconceived ideologies.

Enter the American Psychological Association

For various reasons, the American Psychological Association (APA, not to be confused with the American Psychiatric Association that uses the same acronym) was caught in the eye of the storm. Similar problems also surfaced in the ASA (American Sociological Association), but they were less serious since, irrespective of the ASA, it was clear that a heavy majority of sociologists of religion did not agree with the brainwashing hypothesis and sided against Singer and Ofshe.

In 1983, during the *Molko* lawsuit, the American Psychological Association (APA, acronym that for the rest of this opinion will be used to identify this association), accepted the proposal of forming a task force, DIMPAC (Deceptive and Indirect Methods of Persuasion and Control), for the purpose of assessing the scientific status of the brainwashing theories about “cults.” Margaret Singer, who was at the head of the task force, chose the other members, including Louis “Jolly” West and Michael D. Langone, a psychologist active in the anti-cult American Family Foundation. The task force continued its work for several years. In the meantime, the *Molko* case reached the Supreme Court of California. According to a reconstruction of the events prepared in 1989 by the APA,

on February 5, 1987, during its winter meeting, the APA Board of Directors voted for APA to participate in the case [*Molko*] as an *amicus* (American Psychological Association 1989, 1).

In the U.S. legal system, an *amicus curiae* is an independent entity or individual who spontaneously submits to the court elements that it believes may be relevant to resolve a case. On 10 February 1987, the APA and others filed an *amicus curiae* brief in the *Molko* case. The brief stated that the theory Margaret Singer had labeled “coercive persuasion” “is not accepted in the scientific community” and that the corresponding methodology “has been repudiated by the scientific community.” The brief went on to specify that the choice of labels, among “brainwashing,” “mental manipulation,” and “coercive persuasion” (always in the meaning used by Singer) was irrelevant, for none of those theories could be considered to be “scientific” (American Psychological Association 1987).

The filing of the brief provoked numerous protests. Since the community of psychologists and psychiatrists was divided on the subject, several clinical psychologists disagreed on the substance, while others denounced the method. How could the APA, after asking the DIMPAC task force to prepare a report on the subject, presumably to be accepted or rejected by the association, proceed to take an official position before having read and passed judgment on the report? Several APA officials replied that the California Supreme Court was expected to soon issue a ruling on the *Molko* case that would greatly impact the issues at hand, and this made it impossible to wait for the findings of the DIMPAC committee.

However, the procedural argument found favor with many, while others were afraid that clinical psychologists may be persuaded by the campaign organized by

Singer and West to resign from the APA en masse. For this reason, always according to the APA 1989 reconstruction of events,

the [APA] Board of Directors, in the spring of 1987, reconsidered its prior decision to participate in the brief and voted, narrowly, to withdraw (American Psychological Association 1989, 1).

This meant that the

APA's decision to withdraw from the [*Molko*] case was based on procedural as opposed to substantive concerns. APA never rejected the brief [of 10 February 1987] on the ground that it was inaccurate in substance (American Psychological Association 1989, 2).

Therefore, on 24 March 1987 the APA filed a motion in which it withdrew from the *Molko* case. In it, the APA stated that

by this action, APA does not mean to suggest endorsement of any views opposed to those set forth in the *amicus* brief [of 10 February 1987] (American Psychological Association 1987b).

Eventually, the California Supreme Court found against the Unification Church, considering an essential element for its finding that *Molko* and *Leal* were initially recruited without being told that the movement whose meetings they were invited to attend was Reverend Moon's group. Had they known this, the court argued, they would not have attended the meetings where they were eventually submitted to "coercive persuasion" techniques, since they were aware of the negative media image of Reverend Moon (Supreme Court of California 1988).

In the meantime, the APA decided to reach some kind of conclusion about the DIMPAC task force that had been active since 1983. At the end of 1986, the task force submitted to the BSERP (Board of Social and Ethical Responsibility, the APA board in charge of public policy), a "draft" of its report. Subsequently, Margaret Singer and others claimed that it was not a final draft. In actuality, according to BSERP, the draft had been filed as a "final draft of the report, minus the reference list" (Thomas 1986). BSERP found that the draft had sufficient information to warrant issuing a statement, and forwarded it to two inside and two outside auditors. The latter were Jeffrey D. Fisher (from University of Connecticut) and Benjamin Beit-Hallahmi (from University of Haifa, Israel).

In the "publicly distributed" (according to Margaret Singer) (Singer and Ofshe 1994, 31) version of the BSERP statement, the only attachments were the

opinions of Fisher and Beit-Hallahmi, the two outside auditors. In a later lawsuit however, the opinion of one of the inside auditors, Dr. Catherine Grady, was also filed. According to Grady, the coercive persuasion techniques used, in the task force estimate, by the religious movements

are not defined and cannot be distinguished from methods used in advertising, elementary schools, main-line churches, AA and Weight Watchers.

According to her, the references to “harm” are “extremely confused”:

It’s all unsubstantiated and unproved newspaper reports and unresolved court cases. It’s not evidence (Grady 1987).

Fisher wrote that the report is “unscientific in tone, and biased in nature,” “sometimes [...] characterized by the use of deceptive, indirect techniques of persuasion and control—the very thing it is investigating.” “At times, wrote Fisher, the reasoning seems flawed to the point of being almost ridiculous.” Fisher added that the historical excursion on the “cults” “reads more like hysterical ramblings than a scientific task force report.” The DIMPAC task force had criticized the use of the expression “new religious movements,” arguing that the term “cults” should be retained as more appropriate. Fisher commented that

the reasoning becomes absolutely some of the most polemical, ridiculous reasoning I’ve ever seen anywhere, much less in the context of an A.P.A. technical report (BSERP 1987).

Beit-Hallahmi, in his review of the report, asked himself:

What exactly are deceptive and indirect techniques of persuasion and control? I don’t think that psychologists know much about techniques of persuasion and control, either direct or indirect, either deceptive or honest. We just don’t know, and we should admit it. Lacking psychological theory, the report resorts to sensationalism in the style of certain tabloids (BSERP 1987).

Beit-Hallahmi, although a scholar who was sympathetic to the anti-cult camp, ended with a radical conclusion:

The term ‘brainwashing’ is not a recognized theoretical concept, and is just a sensationalist ‘explanation’ more suitable to ‘cultists’ and revival preachers. It should not be used by psychologists, since it does not explain anything (BSERP 1987).

The heart of the DIMPAC report consisted of three clearly presented and amply illustrated concepts that are the crux of the anti-cult body of reasoning about “cults” and brainwashing. The first concept is that cults deceive. The case of Molko and Leal became paradigmatic: they went to meetings of the Unification Church without knowing it was the Unification Church. The second concept is

that cults are not religions. They should not be labeled “new religions” or “new religious movements,” since the use of these terms

results in [...] an attitude of deviance deamplification toward extremist cults, and a tendency to gloss over critical differences between cultic and non-cultic groups (DIMPAC 1986, 13).

The third fundamental concept added to the key element, deception, other secondary elements further explaining how to differentiate between “cults” and religions. The task force defined a “cult” as a deceptive group

exhibiting a great or excessive devotion or dedication to some person, idea, or thing and employing unethically manipulative (i.e., deceptive and indirect) techniques of persuasion and control designed to advance the goals of the group’s leaders, to the actual or possible detriment of members, their families, or the community (DIMPAC 1986, 14).

And what do these “unethically manipulative techniques” consist in? According to the task force, they include, in addition to deception, the

isolation from former friends and family, debilitation, use of special methods to heighten suggestibility and subservience, powerful group pressures, information management, suspension of individuality or critical judgment, promotion of total dependency on the group and fear of leaving it, etc. (DIMPAC 1986, 14).

In short, deceptive

totalist cults [...] are likely to exhibit three elements to varying degrees: (1) excessively zealous, unquestioning commitment by members to the identity and leadership of the group; (2) exploitative manipulation of members, and (3) harm or the danger of harm.

Therefore, according to the task force, we can indeed differentiate between “religions” and “cults” using strictly non-religious, secular and factual criteria: “cults” differ from “religions” “if not by their professed beliefs then certainly by their actual practices” (DIMPAC 1986, 14-5).

According to the reviewers, the differentiation between cult and religion (Fisher), the idea that one can distinguish between the methods of persuasion employed by the “cults” and those employed by mainline churches (Grady), and the very concept of brainwashing (Beit-Hallahmi) were examples of a partisan advocacy going beyond accepted science. As a result of these reviewers’ opinions, on 11 May 1987 BSERP, speaking on behalf of APA, issued a Memorandum evaluating what it called the “task force’s final report.” They rejected the DIMPAC report on the grounds that it “lacks the scientific rigor and evenhanded critical approach necessary for APA imprimatur” (BSERP 1987).

For a number of reasons having to do with the second (1990s) phase of the “cult wars,” which happened mostly in Europe, the 1987 Memorandum was the object of extensive controversy. Margaret Singer did not peacefully accept the APA verdict, convinced that it was the upshot of a sinister “Conspiracy” (Singer always capitalized the word), plotted by APA’s top management and by leading international scholars of new religious movements who acted as cult apologists and advocates. According to Singer, the accused were all responsible for the events that resulted in the APA’s 1987 Memorandum, acting

fraudulently, intentionally, falsely, and/or in reckless disregard for the truth, with intent to deceive and in furtherance of the Conspiracy (Singer and Ofshe 1994, 30).

Singer and her colleague Ofshe did not stop at verbal accusations. They filed a complaint in the U.S. District Court, Southern District of New York, against APA, the American Sociological Association and several scholars accusing them of forming a “racket” and as such, of being subject to anti-racketeering statutes that had originally been conceived to pursue organized crime. After a long and complicated case (Richardson 1996, 115-137), on August 9, 1993 the Court ruled that anti-racketeering laws “can have no role in sanctioning conduct motivated by academic and legal differences” (Superior Court of the State of California in and for the County of Alameda 1994). After losing in federal court, Singer turned to the laws of the State of California, producing what she believed was solid evidence of the Conspiracy. But she lost again: on June 17, 1994 Judge James R. Lambden ruled that

plaintiffs have not presented sufficient evidence to establish any reasonable probability of success on any cause of action (Superior Court of the State of California in and for the County of Alameda 1994, 1).

In the 1990s lawsuits, Singer herself took it for granted that the 1987 Memorandum constituted “a rejection of the scientific validity of [her] theory of coercive persuasion” and was even “described by the APA” as such (Singer and Ofshe 1994, 31). Later, however, Singer’s supporters, particularly in Europe, made much of the Memorandum’s mention in its fourth paragraph that

after much consideration, BSERP does not believe that we have sufficient information available to guide us in taking a position on this issue (BSERP 1987).

They concluded that the Memorandum, in fact, was not a rejection of Singer’s theory. That theory was, they claimed, neither accepted nor rejected. But in fact what was “this issue” on which the APA refused to “take a position”? It cannot be

the task force report because the Memorandum did, as a matter of fact, take a position on it. Nor can it be the subject matter of the task force report, i.e. the brainwashing theory as customarily presented by Margaret Singer and the anti-cult movement of the time, because that theory is comprehensively illustrated in the report. It seems safe to conclude that the intent of the APA 1987 Memorandum was, on one hand, to argue that the brainwashing theory as typically presented by Margaret Singer and the anti-cult movement lacked “scientific rigor,” while leaving the door open to different theories of persuasion and manipulation, perhaps following more faithfully the original models of Schein and Lifton. Singer herself always regarded the Memorandum as a clear rejection of her theory.

Among the other issues the APA left unresolved in 1987 and relevant for the question of advocacy was the “deceitful” behavior of psychotherapists themselves, including some working with former “cultists” and helping the illegal activities of the deprogrammers. In his opinion, Beit-Hallahmi wrote that

psychotherapy as it is practiced most of the time (private practice) is likely to lead to immoral behavior. I have no sympathy for Rev. Moon, [Bhagwan Shree] Rajneesh [1931–1990], or Scientology, but I think that psychologists will be doing the public a greater favor by cleaning their own act, before they pick on various strange religions (BSERP 1987).

Singer also tried to react to the APA debacle by starting a “war of manuals.” What was in the manuals, she claimed, was not partisan advocacy but accepted science. She maintained that the short but meaningful entry in the diagnostic manual of the American Psychiatric Association DSM-III (American Psychiatric Association 1980, 260) about the “brainwashing” that was allegedly practiced on “the captives of terrorists or cultists” had been written by herself. Singer’s critics responded that, although the DSM-III was an authoritative text, a short entry in a manual did not in and of itself constitute sufficient proof that a controversial theory had found general acceptance. In fact, in 1994 the DSM-IV that replaced DSM-III eliminated the reference to “cultists” in its coverage of unspecified dissociation disorders, although it retained the expression “brainwashing” (without defining it) and associated it to being a “prisoner” in a scenario of physical segregation (American Psychiatric Association 1984, 490; for the battles on “cults” around the various editions of the DSM, see Richardson 1993a, 1-21).

During the “cult wars,” writing entries in manuals became in itself an act of advocacy. Anthony later commented that for long

Singer’s authorship of this sentence [about the “brainwashing” practiced by “cults”] and its inclusion in the DSM III through her efforts was a significant coup for anti-cult ‘experts,’ who have used this fact to argue that their testimony was based on a theoretical foundation that was generally accepted in the relevant scientific community (Anthony 1999, 421–56).

The elimination of the reference to “cults” when DSM-III was replaced by DSM-IV signaled, however, that the mental health community had become aware that Singer’s theories had been discredited.

The Fishman Case

The turning battle between the two camps took place in the U.S. District Court for the Northern District of California in 1990, in the *Fishman* case. Steven Fishman was a “professional troublemaker” who attended the stockholders’ meetings of large corporations for the purpose of suing the corporations with the support of other minority stockholders. He then signed settlements that left the stockholders who had trusted him empty-handed. In a lawsuit brought against him for fraud, in his defense Fishman claimed that at the time he was temporarily incapable of understanding or forming judgments since he had been a member of the Church of Scientology since 1979, and as such had been subjected to systematic brainwashing. The case was not easy for Singer and Ofshe, who were asked to give expert testimony about the type of brainwashing practiced by Scientology. In addition to Scientology having nothing to do with Fishman’s fraudulent activities, the prosecutor easily showed that the defendant had been guilty of similar practices even before being introduced to Scientology. This notwithstanding, Fishman’s defense insisted in calling Singer and Ofshe to the stand.

On April 13, 1990 Judge D. Lowell Jensen ruled on the case. He pointed out that, unlike in earlier cases, this time it was possible to review hundreds of documents on brainwashing. Jensen had a large dossier on his desk about the APA’s position on the DIMPAC task force; he was also acquainted with the critical literature about the *Molko* case; and he relied on the expert opinions rendered for the prosecution by Anthony and by psychiatrist Perry London (1931–1992). Jensen noted that the brainwashing theory first emerged with

“journalist and CIA operative Edward Hunter” and did not coincide with the “thought reform theory” put forth by Lifton and Schein. Although Singer and Ofshe argued that they were faithfully applying Lifton and Schein’s theories to the matter of “cults,” their claim “has met with resistance from members of the scientific community.” Even though some of Singer’s positions on brainwashing were shortly mentioned in respectable psychiatric manuals,

a more significant barometer of prevailing views within the scientific community is provided by professional organizations such as the American Psychological Association (U.S. District Court for the Northern District of California 1990, 12–3).

Judge Jensen retraced the APA’s intervention as follows: “The APA considered the scientific merit of the Singer-Ofshe position on coercive persuasion in the mid-1980s” by setting up the DIMPAC task force; it also “publicly endorsed a position on coercive persuasion contrary to Dr. Singer’s” by submitting a brief in the *Molko* case in which it was argued that the theory of brainwashing as applied to “cults” “did not represent a meaningful scientific concept.” It is true, argued Judge Jensen, that the APA subsequently withdrew its signature on the above brief, but “in truth the withdrawal occurred for procedural and not substantive reasons,” as shown by the fact that soon after the APA “rejected the Singer task force report on coercive persuasion.” The judge recalled that similar events had transpired in the American Sociological Association. Therefore, the documentation “establishes that the scientific community has resisted the Singer-Ofshe thesis applying coercive persuasions to religious cults.”

Besides, noted Jensen, even Lifton, a scholar who had no sympathy for the “cults” and repeatedly manifested his personal friendship with Singer, expressed “reservations regarding the application of coercive persuasion theory to religious cults” (U.S. District Court for the Northern District of California 1990, 14). According to Jensen, for a scientific theory to serve as the foundation for a legal decision, it ought to find general acceptance in the reference community. In the instant case,

not only has Dr. Lifton expressed reservations regarding these theories, but more importantly the Singer-Ofshe thesis lacks the imprimatur of the APA and the ASA.

In essence,

theories regarding the coercive persuasion practiced by religious cults are not sufficiently established to be admitted as evidence in federal courts of law (U.S. District Court for the Northern District of California 1990, 14).

Three important conclusions were reached in the *Fishman* ruling. The first applied to method: the APA did not simply refuse to approve the DIMPAC task force report; in 1987, it expressed disapproval of Margaret Singer’s theory of brainwashing, which was the theory about brainwashing generally presented by the anti-cult advocates in the courts. The second conclusion was that within the academia a clear majority rejected Singer’s theories. The third was that, while Margaret Singer claimed to derive her brainwashing “anti-cult” theory from Lifton and Schein, in truth she was much closer to the CIA and Hunter theories—and the latter, unlike Lifton’s and Schein’s, did not enjoy even a minimum level of credibility in the scientific community.

The Demise of CAN

The *Fishman* ruling made a deep impact in English-speaking countries, as it became almost impossible for Singer and other anti-cult advocates to be accepted in the courts as expert witnesses on brainwashing. Deprogramming became gradually less acceptable even in local courts, and many deprogrammers lost civil suits. Some were sent to jail. Although some later decisions deviated in varying degrees from it, so that the *Fishman* ruling did not spell out once and for all the death of the anti-cult legal initiatives, an important precedent, still decisive today, had been established in the United States that set in motion a chain of events leading to the end of deprogramming and even of the Cult Awareness Network (CAN). Caught red-handed in the act of referring a family to deprogrammers, CAN was sentenced to such a heavy fine that it was forced to file for bankruptcy. In 1996, the court-appointed trustee-in-bankruptcy sold at auction CAN’s files, its name and its logo to a coalition of activists led by members of the Church of Scientology. Having become the legitimate owner of the trademark, the coalition organized a “New CAN” that supplied information that was clearly the opposite of what the old CAN used to furnish.

The case that bankrupted CAN involved the failed deprogramming by Rick Ross of Jason Scott, a young adult member of the United Pentecostal Church International. Ross and CAN were confident that, even if things went wrong, the Pentecostal group was not familiar with the “cult wars” and lacked the resources to sue them. However, the United Pentecostals, with a move not popular in their Christian milieu but that was crucial for the outcome of the “cult wars,” sought

the help of the well-equipped Church of Scientology, which co-operated in their civil lawsuit, in the course of which the embarrassing criminal record of Rick Ross also surfaced. In the end, Scott got a judgement against Ross and CAN in excess of four million dollars. The decision stated, inter alia, that Ross in his deprogramming activities

intentionally or recklessly acted in a way so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community (U.S. Court of Appeal for the Ninth Circuit 1998).

As a result, CAN's assets were seized by a judge, put on auction, and purchased by Scientologists who deposited them in a public library, opening them to scholars. A leading sociologist, Andrew Shupe (1948–2015), guided a team who studied these documents, and told the sordid story of CAN's involvement in illegal deprogramming, a story that involved also Margaret Singer and Steve Hassan (Shupe and Darnell 2000). Hassan was subsequently accused of unethical conduct in his deprogramming business and of charging truly exorbitant sums for his activities by voices from within the anti-cult community itself (The Cult Education Institute of New Jersey 2013).

The demise of CAN and the fall of Rick Ross basically ended the “cult wars” in the United States. Deprogramming continued for a while in Europe, until the *Riera Blume* decision of 1999 by the European Court of Human Rights in a Spanish case banned not only the activities of deprogrammers, but also the laws of the states that indirectly favored them (European Court of Human Rights 1999).

After the above legal developments, some North American anti-cultists adopted a somewhat more moderate position. A case in point is Michael Langone, a former member of the DIMPAC committee who remains a leading figure in the anti-cult community, and still regards “cults” in general as harmful. However, unlike other anti-cultists, Langone started a dialogue with academics, invited scholars such as Massimo Introvigne and Eileen Barker to his conferences, and argued that notions of brainwashing were too controversial to be used in courts of law or as basis for creating new law against the “cults” (Di Marzio 2008). Canadian leading anti-cultist, Mike Kropveld, also expressed similar ideas (Kropveld 2016, 1–3). Other anti-cultists still believe in concepts such as “brainwashing” and “mental slavery,” but realize their position is not regarded by the academia as part of accepted science.

Conclusions

Influence is obviously at work in all human relationships. The field of high-demand religious groups is no exception. If the question, however, is whether, in absence of extreme forms of torture or the systematic use of drugs, influence in these groups can deprive men and women of their free will through “brainwashing” or “mental slavery,” the answer scholars of new religious movements have derived from their observation of hundreds of groups, including the most controversial, is simply “no.”

Obviously, some new religious movements commit serious crimes, from child abuse to homicide. These crimes are also committed in “old” religions, as the cases of pedophile Catholic priests or terrorists who claim to act in the name of Islam tragically prove. These crimes should not be condoned and should be punished according to the laws.

But not even these crimes are the fruit of “brainwashing” or “mental slavery,” for the good reason that brainwashing and mental slavery, as commonly depicted by anti-cultists, do not exist. Distinguishing evil “cults” from benign “religions” based on concepts such as “mental slavery” and “brainwashing,” as a consequence, does not make sense (Richardson 1978, 29–52; 1979, 139–66; 1993b, 348–56; 1996, 115–37; 2014, 77–85; 2015, 210–15). Countless studies prove that members of the so called “cults” do not lose their free agency (in fact, thousands leave the “cults” spontaneously after a few months and years), and “brainwashing” and “mental slavery” are just labels based on faulty science disguising a political and social attempt to discriminate against unpopular beliefs and practices.

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Testimonies

“He Hoped for Justice, and, Behold, There Was Injustice; for Righteousness, and Behold, an Outcry” (*Isaiah 5:7*)—State Crimes Against Children and Parents: The Ambash Women and Their Children

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ABSTRACT: Based on a long experience of cases of “placement in foster homes” of children in Israel, the author argues that this process often includes violence, injustice, and even crimes. The case of the Ambash children is then discussed as a typical case of State violence carried out by separating children from their mothers on the basis of faulty arguments.

KEYWORDS: Social Welfare in Israel, Placement in Foster Homes, Daniel Ambash, Ambash Children, “Cults” in Israel.

As the women of Daniel Ambash who sought to bring their story to my attention approached me, I willingly responded to meet them. This way, I was exposed to a shocking incident, one of many I am hearing of, and have been involved in for about 25 years. I did not agree with the lifestyles of the women—within the framework of a polygamous family. But even though their way of life contradicts my feminist worldview I cannot accept the State’s criminal acts against these women—these mothers and their children. The serious harm that has been done to the children and the serious crime against all fundamental human rights of motherhood is incomprehensible to me, and I see it as my duty to express my deep shock, revulsion and anger about all of these major offences. For the benefit of society as a whole, we have to delve deeper into this case and severely punish all those responsible for the atrocities.

Since the early nineties, I have been involved in cases of children being taken from their parents and being placed into institutions or foster families. “Placement of children outside of the family home” is the euphemistic name for the deprivation of parents of custody and the transfer of their children to functional families, to “therapeutic” institutions, and to foster families, sponsored by the Welfare system. As the number of cases in which I was involved increased, I was horrified by the opacity of the hearts of the systems which were supposed to “take care” of the issue and even more by the “caretakers,” social workers, psychologists and others that were deciding the fate of children to be cut off from their families, especially judges.

More and more I was exposed to the meaning of the cutting off of these children: punishing them for being born and growing in needy families, especially of single mothers, immigrants from Ethiopia or Russia, and “simply” poor mothers. The willingness of officials to cut off children from their families, their friends, their neighborhood, their school and their authority to tear apart poor families whose love for their children is very deep was, and still is, a major shock for me. In every case I had been involved in, I felt deeper disgust toward the process of placing children outside the family home.

My academic and practical background in Social Work even intensified the shock. I could not and still cannot understand how people whose main objective of training and profession is “helping others,” “compassion,” etc., are able to act in a way that radically contradicts the ideals of their profession and their commitment to human love and helping the weak. The fact that most of the child protection officers (CPOs) deciding about the procedures of depriving women of custody of their children are women intensified, as a feminist, my disgust and anger.

The main explanation for the “confiscation” of custody of children from their parents, and their transfer to the State authorities, I had to hear every time, was “the best interests of the child.” This magic password is used to justify all kinds of evil and crimes against parents and children. In the process of depriving parents of the custody of their children, parents are presented as criminals, harming or neglecting their children, whereas the CPO’s intervention is represented like a rescue. But in all cases that came to my attention, the lives of children in institutions and foster families were filled with constant physical and mental traumas. In almost all cases, the parents were not allowed to have any real

connection to their children, on the grounds that the relationship was harmful to the children and preventing their “recovery.” Sometimes, they would even lie to the children that their parents refused to associate with them. Far from the public eye, without any supervision and inspection of what is happening in these places, by keeping media criticism from knowing about what is happening there, the Welfare system with the assistance of the Courts and the Police manages to deprive children and parents of their fundamental rights and to harm them in countless ways.

In the many cases that I have seen and have been involved in over the years, I have deeply experienced the pain of parents and children. I will bring here some examples, in an abstract way that can only hint at the variety of harm that has been done to vulnerable children and the destruction of families and parents. The four children of a couple of poor parents in Tel Aviv were taken to Welfare institutions, claiming they had been abandoned. All the sufferings of the children in the course of daily confrontations with other children and even physical harm by the instructors of the institutions and their longing for their parent’s home and friends were ignored. The intervention of a lawyer, who volunteered to help the parents, led to the return of the children to their parents after two years.

A 14-year-old girl was sent to the institution Tzofia claiming that she was endangering herself because she “would sleep with Arabs,” a claim that turned out to be false. The girl suffered a long series of physical and mental abuse in the institution. When she tried to commit suicide, she was hospitalized in a mental hospital. Psychiatric drugs hurt her irreversibly. She came out broken and with no life force.

An 11-year-old boy was taken from a mother who was poor and blind, but who was devoted to him with her heart and her soul. Claiming that she was not able to raise him, he was placed in various institutions. Many times, he escaped and returned to his mother and was taken back to the institutions by policemen who hit him. Being placed in a foster family could not erase the effect of the institutions and the “professional training” for delinquency suffered there, and he fell into drugs and severe hardship throughout his life.

Two girls, twins aged 7, were taken from their large family, which experienced financial problems, alleging that they had functional difficulties. Despite the love given to the girls and the devotion of the family from which they had been taken, after a long saga of harassment and bullying on the part of the Welfare system in

the city, they were transferred to a social institution. One of the girls had probably experienced sexual assault by one of the counselors, while staying at the “Emergency Center,” before being transferred to the social institution. The ongoing legal struggle has failed so far (the girls today are aged 11) and the sufferings of the mother and of the family are unbearable.

These few examples do not even come close to the beginning of the real story: the lies used by the System in order to prove that the children had been harmed; the mental harm done to them and their deprivation of their fundamental rights; physical attacks from other children and often from counselors of the institutions; methods of cruel punishment in institutions, named innocent nicknames like “grip”—which supposedly means “containing” and refers in practice to violent physical obstruction; “relaxation room,” allegedly a room for releasing tensions, which is in fact a sealed dungeon for discipline refusers; draconian laws which intensify the power of CPOs are multiplying, enabling them to deprive parents of custody of their children anytime and anywhere, in the middle of the night or in kindergarten in front of all the stunned children, all that without a Court order or Court proceeding (for 7 days); laws that force workers in education and health institutions to report on the possibility of harm to children, which makes all of us informers for our neighbors and exposes every parent to the threat of “being reported” to the authorities at any time. Time is too short to describe all the horrors involved in what is called euphemistically “placement of children outside of the family home.”

The affair of the Ambash women and their children is another example of all this, in particular of the misuse of legal power by State officials, social workers, psychologists, psychiatrists, judges, police officers. This is a typical example of cooperation between the governmental systems that enables and nurtures mutually supported atrocities against civilians, in ways of abuse, especially of the poorest: mothers and children. This affair demonstrates the depth of cynicism in the use of the upper social value of “the child’s best interest” to justify the incomprehensible harm done to them. The Ambash affair sends a threatening message to each and everyone of us: this will be our fate if we deviate from social conventions.

The explanation of what is happening regarding the issue of “placement of children outside of the family home” can be related to the fact that people working in these organizations have to show complete adherence to the

expectations and requirements of the organization which provides them livelihood. In order to “get in line” with the organization’s goals and ways of behavior they have to internalize the “organization’s welfare” and prefer it to the universal sense of justice. Assimilation within the organization kills humanity and encourages them to adopt the ideology of violence, to identify with it and to implement the guidelines and rules permitting its use.

In light of the above, the obvious question of morality arises: is a person working in the organization able to exercise discretion and choose the universal good or is he/she only a bolt in the machine and lacking personal responsibility, as claimed by Max Weber (1864–1929):

The dignity of a civil servant is vested by virtue of his ability to perform faithfully the provisions of the higher authorities—just as if it was consistent with his own beliefs... The significance of this kind of behavior for the civil servant is “moral discipline and self-denial in the most supreme sense” (Weber 1970, 95).

The exaggeration of this argument is mentioned in various works that deal with mass extermination by the Nazis. Zygmunt Bauman (1925–2017), for example, argued that the most important principle in the process of the social production of moral indifference, which is the base of the violent behavior of people in organizations, is

the principle of organizational discipline, or rather, a demand of compliance to orders of superiors for which they have to reject any other motive for action... The ideal of discipline demands absolute identification with the organization, which does not mean anything other than a willingness to erase the identity... In an organization’s ideology, the readiness of such extreme type of self-sacrifice is reflected as a high measure of morality, a measure which commits to eliminating all other moral demands (Bauman 1989, 130).

The rationality of evil is the terrifying meaning which stands behind the conduct of the State authorities with regard to the “placement of children outside of the family home.” The Ambash affair is an extreme example for this. All civil servants filled the role of what was expected of them: they investigated in order to prove the crime which the State sought to bring forth; they “proved” guilt using all means at their disposal, including violence; they judged appropriately on the basis of the evidence obtained through violent means; they punished as required the alleged offender and his accomplices.

In view of the intensity of the government and its numerous means to mute, hurt, distort, lie, abuse, I admire the Ambash Ladies for their endless devotion to

their children and their brave and strong readiness to fight against the lies, the wickedness and the cruelty of the legal authorities and the government.

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The Abuse of the Judicial System in the Ambash Case

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ABSTRACT: In a passionate recollection of his experience of the trial, one of Daniel Ambash's lawyers claims that the law was mishandled and misinterpreted based on prejudices against Ambash's polygamous lifestyle. Conscious that this is the ultimate provocation in Israel, he states that the prosecution of Ambash proves that evil and the misuse of power were not a unique prerogative of Nazi Germany and may well occur in modern democracies as well.

KEYWORDS: Israeli Legal System, Ambash Family, Daniel Ambash, Polygamy, "Cults" in Israel.

As anyone who was born in the State of Israel and educated in the local education system, the story of the Holocaust of the European Jews accompanied me from a very young age.

The Shoah is embedded in the Jewish and in the Israeli DNA. This is the defining event. The Israeli narrative is built on it. There are quite a few Israelis, and even more in the past, who were not willing to buy products from Germany or to travel to Germany because they did not forgive the Germans for the Holocaust. For many, the fact that a whole nation blindly followed a charismatic leader who lead it on the path of racism to perdition is inconceivable.

There are those who arrogantly think that the Shoah, in which a whole herd of people follow one leader and think of the existence of one truth, is specific to the German people. My recent work with the Ambash family file leads me to personally ask for forgiveness on behalf of all those who arrogantly chuckle at grave events that took place in other countries, out of the feeling that it cannot happen to us.

The Holocaust, the diversion of justice, the selfish preservation of the interests of organizations and systems are things that can happen to any people, to any culture, and to our sorrow some of these evils also happen within the Jewish people, supposed to behave like the “chosen people.”

The case of Daniel Ambash, sentenced to 26 years in prison (actually, a death sentence) while his family was broken up, causing the death of one of his children, and causing psychological damage to every member of the family, proves that, when a system and an organization decide to come out against an innovative or unique phenomenon, they don't mind sacrificing lives and killing the human spirit as long as the normal social arrangements are preserved.

In the verdict given by the Jerusalem District Court against Daniel Ambash, the substrate of the persecution of the Ambash family was summed up, as the District Court concluded: “A civilized society cannot accept a family being conducted in such a style as the defendant did.”

We may understand the primal fear of any society against new and unacceptable family forms, but the usual and accepted social principles cannot, in a society that claims to be democratic and pluralistic, trample on individual rights while determining how the individuals should conduct their lives.

The highest courts in Israel arrogantly patronized Daniel Ambash's wives, deciding that they had been raped by him, while they had been protesting for years that they had not. Moreover, these wise, intelligent, creative women, who were never diagnosed by any professional expert as suffering from any mental problem, have been striving for years to make people understand that they were no victims, that they have not been hurt by the defendant. How can any person determine that another person was hurt when that person explicitly declares that it is not true?

There is not a single line from the investigation material, from the minutes of the Court, from the judgments, in which the magnitude of the injustice and deception cannot obviously be seen. The justice diversion cries out to heaven!

We are not only talking about the Israeli police conducting a brutal, violent investigation, as can be seen in the videos online. We are not only talking about the arrest and the whole-year imprisonment of four women on false accusations that the State later canceled because they refused to cooperate with the police. We are not only talking about the Prosecution and the police turning one of the

women into a State witness by promising her that, should she testify against Daniel Ambash, she would get her daughter back (and she was a woman whom we know committed serious criminal offenses without Daniel Ambash's knowledge). We are not only talking about minor children being threatened with accusations of rape against other family members if they did not testify against their father. We are also talking about the terrible distortion of the law committed by Uri Shoham, judge of the Israeli Supreme Court, who convicted Daniel Ambash of slavery, a relatively new charge in the Israeli Law, by completely contradicting the legislator's intention.

It is not easy for a lawyer under sword of ethics, whose license can be revoked at any moment by the Bar of Lawyers, to come out against a judge of the Supreme Court with a statement that there has been a law distortion. However, as this judge of the Israeli Supreme Court asserts:

I decided to interpret the law as I went to examine the legislator's intention as reflected in the minutes of the Knesset Committee that prepared this law,

it is obvious, while reading these protocols, that everything he asserts with respect to the Knesset Committee is the exact opposite of what happened there in fact. We shall emphasize that the Knesset Committee who enacted the section on slavery did intend, and stated explicitly, that this section would not apply to relations between husband and wife. So how, for heaven's sake, can a judge decide and interpret contrary to what the Committee intended and dare say: "I rely on the same Committee?" We do not understand such absurdity.

As we submitted a request for a retrial in the case of Daniel Ambash, we showed one by one the loathsome methods, based on lies, which the police used to recruit one of Daniel Ambash's children, two of his step-children and especially one of his partners to testify against him. Throughout her initial investigations, this woman adhered to the version that she had never been hurt by him, that she loved him, that he had been good to her, and that she would never give him up. The police clearly threatened her, laughing at Daniel Ambash, calling him an ugly man, asserting that he would never come out of prison, that the Ambash family as such did no more exist, and that it was really in her interest to cooperate and produce incriminating information about Daniel. If not, she would never ever be allowed to raise her child.

The police interrogators did not simply send clues; they definitely told her to produce a version against Daniel so that she could get her child back. One should

remember that the arrest was coordinated with the Welfare Authorities, and that police and Welfare collaborated shoulder to shoulder. The ironical thing is that this partner who became a State witness was the only woman against whom there was strong evidence that she had committed child abuse, without Daniel's knowledge, evidence that had been collected within the first days after the family arrest. Yet before the picture began to clear up, the Welfare announced to a juvenile court judge that decision had been made to return the daughter of the State witness, Daniel Ambash's fifth partner, to her mother. The judge himself who presided the Magistrate's Court did not understand the conduct of the Welfare, as they intended to return a child to a woman against whom there was evidence of child abuse. The irrational conduct of the Welfare shows that, together with the police, they had a preconceived goal to destroy the Ambash family at all costs.

One has to understand that the police had been eavesdropping the house of the Ambash family for three years, and that, despite a wiretapping of every phone call of the Ambash women, of Daniel and of the children, not a single shred of evidence of criminal offense was found in the secret recording material. We can assert this truth after consulting it. And yet out of nowhere, inexplicably, Judge Uri Shoham, the only one who committed the Supreme Court's ruling while none of the two other judges bothered to show that they had examined the evidence, wrote that the wiretapping supported the charge, which is an additional absurdity.

Daniel's defense attorneys asked to hold a procedure called in Israel a "mini-trial," in which the Court decides whether to accept the statements of the defendants that were collected by the police, a procedure aimed at examining the validity of police interrogation procedures in relation to confession of the defendants. Yet, before the mini-trial, the prosecutor chuckled to the defense:

What is the purpose of conducting a mini-trial, while the defendants did not admit any accusation?

After the prosecutor himself had openly claimed that Daniel Ambash had not acknowledged committing any of the acts attributed to him, Judge Uri Shoham stated, contrary to the prosecutor's position, that Daniel did actually acknowledge those acts! This brings us back to what we said before: in each sentence of the documents written by the Courts, wherever you place a pen at random, you may see a distortion of the law.

Another example: under Israeli law, a woman is competent to testify against her husband only on certain types of offenses specified by the law. Since the offense of slavery is not an offense specified by the law, a woman is not competent to testify against her husband regarding the offense of slavery. According to the law! Does the Court care about the law? Obviously not. The judges made a legal wheel and all kind of acrobatics to keep Daniel Ambash behind bars.

Will the judicial system be courageous enough to admit its mistakes? I don't know. After all, we are dealing with people with ego. No one wants to admit he was wrong, it's a human trait. But, I do know that time will come, not far in the future, when scholars from all over the world, historians, students will thoroughly investigate this affair, and the truth will come out. I hope that Daniel Ambash will enjoy his freedom in the near future. I prefer this eventuality to that of him becoming the historical symbol of the opacity of a legal system, a welfare system that wants to maintain the usual arrangements in society just as the District Court expressed it in the sentence, as mentioned above.

The evil, the opacity and the ability to sacrifice others through inhuman acts is not an inheritance of Nazi Germany only. Evil lies in each and every one of us. No society is immune to atrocity. The throwing of an innocent person into the prison walls for a very long time, even if sponsored by a democratic court, ostensibly in a supposedly democratic State, without a fair trial, without fairness, to me proves that evil and State crimes may also occur in modern democracies.

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