

INTERMINISTERIAL ANTI-CULT MISSION

2000 REPORT

Declaration of Human and Citizens' Rights 26 August 1789

Art. 4 – Freedom consists in doing whatever does not injure another. The exercise of the natural rights of every man, has no other limits than those which are necessary to secure to every other man the free exercise of the same rights; and these limits may be determined only by the law.

Art. 10 – No man should be molested on account of his opinions, not even on account of his religious opinions, provided his avowal of them does not disturb the public order established by the law.

European Convention on Human Rights

Art. 9-1 – Everyone has the right to freedom of thought, conscience and religion; this right includes the freedom to change religion or belief, and freedom, either alone or in community with others and in public or private, to manifest religion or belief, in worship, teaching, practice and observance.

Art. 9-2 – Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others.

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INTRODUCTION

Three eagerly awaited new members joined the Mission recently. They have joined from the Ministry of Education, the Ministry of Employment and Solidarity as well as the Finance and Economics Ministry. The current problem is office space which may be resolved in the months ahead.

The Mission is delighted that it enjoys permanent support from the Prime Minister's office to which it reports directly. This facilitates both interministerial business and indeed interministerial cooperation in certain situations. A one day seminar on this particular subject is planned in the first half of 2001.

The Mission's Policy Council has been renewed and brought up to full strength and should be able to provide valuable input to the Mission. Some of its members have already agreed to contribute analysis on specific issues and this report contains references to this material. The Council has held four meetings (the decree on the establishment of the Mission stipulates that at least two meetings should be held per year). Most of the Council members regularly attend the sessions, thereby displaying their interest in the Mission's work. This is particularly true of members of Parliament who have many other duties. Prominent independent figures have been invited to address some of these meetings.

The working group has held seven plenary and restricted sessions on the initiative of the Secretary General of the Mission. High ranking civil servants have been involved in extremely diverse areas.

The Mission both welcomed and expressed the keenest interest in the establishment of a Child Protection Authority following the adoption of Law n° 2000-196 dated 6 March 2000. The Committee immediately established a working relationship with the Authority.

The Mission has maintained the productive working relationship established as early as 1999 with both of the main non-governmental organisations involved in the struggle against the cults, namely the CCMM (Documentation, Education and Action Centre against psychological manipulation) - Roger Ikor Centre and UNADFI (National Union of Associations for the Defence of Families and Individuals), together with other associations whose objectives are more limited (particularly Antidote, Issue, Attention enfants). It has responded on several occasions to requests for cooperation from the regional decision making bodies of the above associations.

Several joint meetings have been held with the heads of CCMM and UNADFI. Furthermore, monthly discussions with the chairman of FECRIS have enabled international developments to be tracked from the standpoint of the relevant associations in the whole of Europe (FECRIS now represents 28 associations or local branches established in 10 countries).

The Mission's work in 2000 involved many areas for which the Report provides relevant highlights. Last year, the second in the Mission's existence, featured the following developments:

- Further progress in terms of legislation, particularly the adoption on the first reading of the About-Picard bill, the submission of new draft legislation covering regulation of the psychotherapeutic profession and research on the lack of control over professional training.
- The efforts to establish a legal framework have borne fruit. The introduction of the law of 18 December 1998 aiming to provide stricter control over school attendance has led to timely enquiries by the relevant departments at the Ministry of Education into schools that are not operating within a contractual framework.
- A growing number of training sessions, on a direct or indirect basis, for civil servants, including staff in State hospitals to which the previous report particularly drew the government's attention.
- For the first time, training sessions involved local authorities (in Seine-et-Marne, on the initiative of the Conseil général ; in the Loiret *département*, on the initiative of the chairman of the Mayors' Union ; in Guyana, with the help of the General and Regional Councils).
- International developments that bolstered the French position, despite pressure on the part of transnational cults which in some cases enjoyed the support of foreign diplomats and so-called non government organisations connected to the cults. The Committee was in fact approached by European States recently converted to democracy, as well as several Asian, Latin American and African states.
- The Committee developed its working relationship with the EU Parliament as well as members of the parliamentary assembly within the Council of Europe. It also had some success in submitting specific points to the Convention which drew up the EU Charter of fundamental rights.
- Among the priorities established for 2000 by the Policy Council on 24 February, the democratisation of legislation governing associations in preparation of the centenary anniversary of the law on contractual association, is underway in conjunction with the relevant bodies, the various parliamentary committees and the Belorgey Mission.
- The partnership policy established with companies which have expressed interest in this approach was introduced last year and will continue in the years ahead, in order to make every possible effort to thwart sectarianism in its multifarious forms in the economy (staff training, company-sponsored training, personnel management, IT services, indirect access to manufacturing techniques and laboratory research, client data bases, etc...).
- With respect to the defence of human rights, the Mission has established contact with the League for the Defence of Human and Citizens' Rights and the International Federation of Human Rights, and is keen that the latter should be represented in the various international forums that the cults have monopolised for many years. The Committee regrets that the recognition of FECRIS (European Federation of Research and Information Centres on Sectarianism) as an INGO invited to take part in the OSCE forums (Bureau for Democratic Institutions and Human Rights) has not yet been endorsed.
- In terms of the various categories of cults, the Committee has restated that its approach is based on impartiality and openness to dialogue, provided that the dialogue is based on mutual respect and equanimity and that the discussions are devoid of jargon and ambivalent terminology. Discussions on this basis were held throughout the year and are illustrated by the case study devoted in 2000 to

the anthroposophical “galaxy”, one of the movements requiring in depth, dispassionate analysis.

- Finally, the Committee has engaged in fruitful intellectual cooperation with several researchers, anthropologists, sociologists, psychiatrists and psychologists whose work sheds interesting light on the nature and trend of contemporary sectarianism.

Conversely the Committee deplores the ambivalent and incomplete nature of the information published in a small number of publications, irrespectively of the scientific affiliation of the various authors which yielded a number of surprises.

Furthermore it deplores the fact that seminars exclusively attended by persons close to the cults (and in some instances paid by them) apparently enjoy the patronage of national or international public bodies.

THE INTERNATIONAL CONTEXT

FREEDOM

Are we to believe that there are several definitions of freedom, inspired either by the American model or French tradition? Despite the fundamental differences, both are held to be beneficial to the nations which produced them. Predominance of one or the other is a reflection of their respective influence rather than specific rational factors. According to this dualist approach which typifies the puritan mentality, hard and fast conclusions have already been drawn.

This spurious symmetry should be rejected, as indeed should the attendant consequences.

In the United States, fundamental rights, including freedom of conscience, were enshrined in the Declaration of Independence of July 1776. The intention of the lawmaker, and particularly of Jefferson, was to separate the church from the State in order to prevent the religious conflicts which led so many Europeans to emigrate to America, from arising in the newly founded nation. With regard to religious freedom which is by its very nature exercised collectively, whereas freedom of thought is a matter of individual sovereignty, the terms of the Declaration of 1776 soon proved to be inadequate.¹ In December 1791, American legislators voted an amendment to the Constitution, in the following terms: “*Congress will not introduce any law which challenges the establishment or hinders the free exercise of a religion.*” Congress thus deprived itself of any regulatory capacity and in failing to provide a definition of a religion, effectively paved the way for the self-proclamation of any belief.

Contemporary sectarianism has fully exploited this perniciously ambiguous state of affairs. The pressure exerted by the cults is thus twofold, as they demand the same tax breaks as other denominations which do not represent any threat to the public interest.

The cults also invoke a strange concept, that of immunity of religious belief, as a basis for exemption from those laws which they see fit to disregard. By way of an example, one of the cults which recommends polygamy on the strength of supposed divine commands with which it is entrusted, deliberately violates American law which has for many years punished this particular crime.

The French approach is completely different. In 1789, two years before Congress adopted the first amendment to the Constitution of the United States, French lawmakers gathered as the Constituent Assembly voted the Declaration of Human and Citizens' Rights, a cornerstone which was incorporated into the constitutional base of the Fifth Republic. They wished to protect fundamental freedoms hitherto frustrated by monarchic despotism. This particularly applied to freedom of conscience. Hence the famous article 10, stating that “*no individual will suffer persecution on the grounds of personal opinions, including religious belief*”. The Members of the Constituent Assembly immediately added “*provided that the exercise of the above does not threaten public order.*” The lawmakers were good lawyers and clearly aware that freedom can only be exercised effectively insofar as it does not restrict that of other people. This is in fact clearly stipulated in article 4 of the same Declaration:

¹ In fact there were very few provisions for non-believers, agnostics and those who were indifferent: men were not born free and equal, as stated in the French Declaration of Human Rights in 1789 ; they were “created as equals and endowed by the Creator with certain inalienable rights”.

“Freedom consists in doing that which does not harm others. Thus the exercise of the natural rights of every individual has no other limits than those required in order to enable others to enjoy the same rights. These limits can only be established by law”.

These secular principles (violated only under Nazi occupation) underpin two laws which established the foundation for republican freedom: the law of 1901 on contractual association which ensures complete freedom of association² in France and that of 1905, known as the law separating the Church from the State, whereby the sphere of public authority is distinguished from that of personal, philosophical or religious belief. The law of 1905 thus precludes interference by the former in the affairs of the latter and prevents the Church from exercising any form of control over the national institutions.

The French Republic does not therefore recognise public worship.³ However it is fully aware of the existence of the latter and has never challenged its existence or the influence that public worship may have on practising believers and on society as a whole.

“Religious self-proclamation” in France does not give rise to any privileges, particularly in terms of inheritance or taxation, nor does it confer any immunity against conviction for criminal offences. Unresolved lay disputes which arise within a given denomination may be settled by the judicial authorities if so requested by a plaintiff. The tax breaks applicable to congregations or cultural associations are governed by legislation which stipulates the qualifying criteria and amounts in a document available to the general public, namely the General Code of Taxation. Finally, each individual is bound by the constraints of public order and norms approved by universal suffrage and is required to personally comply with these rules.

Clearly the framework established through national sovereignty is a major hindrance to the sectarian groups which are in fact accustomed to operating without any supervision and frequently evading the constraints of common law.

Contrary to a frequently held opinion, France is not waging an isolated struggle against the cults. Other nations confronted with the same challenge are particularly interested in the French experience. France’s policy in this area is a pure illustration of the country’s republican traditions: defending human rights from modern forms of obscurantism, constantly promoting them and making frequent calls for acceptance of the rule of law.

² Associations may be established without any prior approval. Their status enables them to be recognised as legal entities. In France, an association cannot be banned. The administrative or judicial authorities may however under certain conditions dissolve it on the grounds of violation of public order.

³ With the exception of the three départements of Alsace-Moselle governed by German law prior to their restitution to France (1918) ; the « territory » of Mayotte whose status is in the process of revision and, in some specific areas, the overseas département of Guyana.

CULTS AND INTERNATIONAL RELATIONS

During 2000, the Committee established many international contacts, both in France and abroad.

The discussions held with national authorities and international bodies yielded information on the perceptions and approach of the problems raised by dangerous behaviour on the part of the cults and the measures recommended to remedy the situation.

Many countries also approached the Committee on their own initiative in order to discuss their own problems and in some cases to request either an in depth report or at least advice. These requests were channelled through accredited envoys in France or through fact finding teams in Paris.

The Committee is particularly pleased with the invaluable working relationship established with the Ministry of Foreign Affairs and all of our diplomatic missions and consulates.

The year spent exchanging information and ideas with many partners in various parts of the world has led to one clear conclusion: the authorities everywhere have become aware of the threat from various sectarian groups, both to individuals and to the State, and vigilance has been reinforced. This applies both to local cults that are either well established or in a position of influence in some countries, and to international groups with a global strategy.

In this respect, notwithstanding allegations made by some of these groups, the general policy of the overwhelming majority of government authorities rests on two overriding priorities: on the one hand, defending human rights and fundamental freedom against attempts at enslavement or exploitation on the part of groups operating under totalitarian principles and, on the other hand, containing the fiscal demands of some sectarian groups (including some of the larger cults) which try to use their so-called spiritual status in order to evade taxation for which they are in fact liable given the commercial nature of their activity.

However many claims there may be to the contrary, very few countries have in fact granted a tax exempt status and a very large number of countries have turned down requests for tax breaks. This applies to all continents and is particularly true of Europe: while a cult may state repeatedly that a Scandinavian country has authorised tax free status, the fact remains that it is subject to tax regulations in other European countries.

As a result of the many discussions held with foreign partners, the Committee was able to reach the encouraging conclusion that university researchers, associations and the media throughout the world are becoming increasingly circumspect and cautious in their approach and analysis of sectarian phenomena. While, as is to be expected, the degree of convergence shown by these protagonists in their analysis is less than that displayed by official bodies dealing with sectarian problems, these major players in our society are expressing growing doubts over the true aims of the sectarian groups whose excesses are now well documented.

Developments on the Web are encouraging. The cult Websites which predominated hitherto now find themselves confronted in all parts of the world with countless sites attacking

their nefarious activities and including among their contributors former cult members who expose the methods and internal organisation of groups to which they themselves fell victim. These former members have in depth knowledge of the cults as they themselves were long standing and, in some instances, high ranking members.

The Committee's discussions with foreign partners highlighted the concern of countries facing economic difficulties or operating within a fragile socio-political framework, in view of the considerable wealth accumulated by sectarian groups, as the latter thus have the means to influence and corrupt..

It also established that one of the penetration techniques frequently used by the cults in these countries involves offering to provide socio-cultural or development assistance intended supposedly to create a large number of jobs locally.

The Committee also found that in most parts of the world the cults are increasingly using legal proceedings and appealing to mediators. In fact, in some cases the whole functioning of the judiciary system, particularly the appeal bodies, has become strained and is on the verge of paralysis.

Many officials with whom the Committee held discussions expressed grave concern over the increasingly legalistic approach of issues related to human rights and the exercise of fundamental individual freedom. It thus clearly emerged that most senior officials were in favour of a legal definition of freedom enabling each individual without exception to fully exercise these rights with the protection of the law, the sole proviso of course being that this should in no way prove detrimental to the freedom of others.

However major reservations frequently emerged in relation to the other system adopted by some countries including the United States, whereby individual freedom is protected by legal procedures characterised by the following drawbacks: damages are awarded on an ex post basis, i.e. after the offence has been committed, and the victim is obliged to make his (her) own claim, which is far from being as easy as is sometimes argued in some quarters, as these claims often involve weak or poor victims.

Finally, all of our partners referred to the increasing use by the cults of the legal status of an international non governmental organisation (INGO) and all of them feel that the number and role of these INGOs is likely to grow in an increasingly globalised environment in which civil society will play an increasingly important role.

THE WORLD OF NON GOVERNMENTAL ORGANISATIONS AND ENTRYISM BY THE CULTS

At an international level, sectarian movements whose growth implies that they are both able and compelled to implement a global strategy, often resort to means which enable them to evade (without infringing the law) the control and increasingly close checks conducted by most States. In this respect, there is no difference between the cults and other groups also seeking to fulfil their objectives by establishing their network around the globe.

The States have the greatest difficulty in countering the new tactical approach adopted by the cults (to quote one of the Committee's interlocutors, they are like "*grains of sand slipping through the hand*"): one of the most widely used methods is entryism into the ONGs, particularly those which are accredited with the international organisations; dialogue and coordination via Internet together with unrestricted flows of capital are also widespread. Sizeable capital flows clearly enable the holders of the funds to engage in large scale corruption, economic or political destabilisation and to enjoy assistance for supposed development purposes as well as assistance in order to secure influential positions which enable them to observe and influence decision makers, as well as receiving legal, political, tax or financial advantages, all of which involve methods which have been tried and tested by the cults.

We should pay particular attention to the use of the NGO as a legal framework, as there are increasing calls throughout the world on the dynamism and creativity of "civil society". The NGO provides the legal structure for the most active entities within "civil society" and many NGOs now wield enormous influence, are major conduits for the expression of public opinion and have become significant international coordinators.

The position and the role of the NGOs in international organisations have grown significantly, to the extent that "*some of them have become more important than the States themselves*", to quote the words of a high ranking official in an Asian country who also told the Committee that "*we are particularly concerned by this phenomenon and this is a topic for debate among the non aligned countries*".

Clearly the Committee has no intention of challenging the undeniable and indeed invaluable role played by the NGOs both in relation to the international organisations and to the outside world in general. However the discussions held with the representatives of States throughout the world have established that the latter are placing growing emphasis on the vigilance required in monitoring the exponential growth of NGOs: the latter now include all sorts of worrying interests and groups, including of course the cults which are growing very rapidly.

The cults either establish NGOs themselves or penetrate them, especially if the latter are accredited by an international organisation.

In view of the growing number of requests for approval submitted to the United Nations Organisation by the NGOs (the UN refers to requests for "consultative status"), the NGO Committee of ECOSOC devoted considerable efforts in 2000 to establishing new procedures in order to handle these requests effectively as well as examining the role played by the NGOs within the international organisations.

The NGO Committee has seen the exponential growth in the number of NGOs seeking to obtain consultative status with the UN. Since 1966, 2012 NGOs, at least a third of which are of a religious nature according to the General Secretariat, have obtained consultative status and a further 918 have submitted a request in order to obtain this status. These figures in themselves illustrate the scale of the problem to be resolved.

Between 1948 and 1992, the number of NGOs which requested and obtained consultative status rose from 40 to 744, mainly involving established NGOs or straightforward applications. This has changed, particularly since 1996, when for the first time the NGO committee granted consultative status to purely national NGOs, in order to encourage NGOs in the developing countries: there are relatively few NGOs in the latter compared with the developed countries and furthermore they often have difficulties in proving that they are active internationally. Despite the inclusion of the developing countries, access to consultative status mainly benefited NGOs in the developed countries, particularly North America.

In the course of its duties, the NGO Committee sought to improve its procedures and means of investigation into NGOs requesting approval, in order to examine their legal status and statutes more closely, as the latter are often rather vague, and to analyse the actual benefits to the UN. Furthermore, the degree of autonomy of an NGO in relation to a “parent” NGO was also analysed. A number of suggestions were made in order to improve the analysis of the various applications, including a request that the States should take a closer look at the requests for accreditation made by NGOs domiciled on their territory.

More searching analysis on the part of the States of “their own” NGOs would indeed represent a significant improvement, although one knows that some States, including major powers, are extremely slack in relation to the NGOs.

Two other options were discussed, although no final decision was made on either: the general secretariat could circulate via the Web the requests for accreditation made by the NGOs, and there could also be a quota governing both the number of representatives from each NGO, as well as the actual number of NGOs.

Furthermore, the NGO Committee examined the means of improving the “effectiveness” of the review procedure of the reports submitted by accredited NGOs every four years in order to renew their consultative status. To this end the Committee has requested that the secretariat demand more explicit and fuller reports from the NGOs. For its part, the secretariat general has requested that the members of the Committee devote all available resources to analysing these periodical reports. This more stringent policy governing applications for status renewal is significant, as it can lead to rejecting the applications made by sectarian movements whose aims and means may have been difficult to appreciate when the application was first submitted.

There appears to be little opposition to a more in depth review of applications on the part of NGOs within the conference of NGOs enjoying a consultative relationship with the United Nations (CONGO): the conference represents approximately 350 NGOs, many of which are both large and long standing organisations; according to the chairman of a major NGO with consultative status, “*some so-called NGOs are more interested in helping*

themselves than in helping out” and there appears to be within the conference itself considerable hostility to the latter.

Many other interlocutors in charge of NGOs openly state that sectarian NGOs’ main purpose in seeking consultative status with the UN and other international organisations is to benefit from, and thus to abuse, the dignity conferred by consultative status.

The reason for this is made abundantly clear by the use and abuse of consultative status by the cults and the constant, self-satisfied reference to this status in all of their speeches, publications and public meetings. This phenomenon reaches new heights when two or more sectarian NGOs, in some instances belonging to the same “parent” NGO, confer legitimacy on each other and express their mutual support for each other. This can even extend to mutual satisfaction over the fact that coming from different horizons they have nonetheless reached the same conclusions. The next step involves actions and protests which are initially coordinated and then become identical: this particular phenomenon was illustrated in France by the ritual protests on the part of some sectarian organisations against the list of 173 cults published in the parliamentary report of 1995. First the Christian Scientists, then others, claimed that this list included the Baptists (adding, in order to emphasise the ignominy of the whole process, that this happens to be the faith of the President and the Vice President of the United States), the Mormons and the 7th Day Adventists, which is patently false. There is however a dual benefit to be gained from the indignant, orchestrated proclamation of such falsehoods: it not only backfires on the authors, but also highlights which of the cults are acting in tandem...

THE WORLD SUMMIT OF RELIGIOUS AND SPIRITUAL LEADERS (August 2000)

Two events of varying degrees of importance were held under the patronage or with the support of the general secretariat of the United Nations in 2000: the world summit of religious and spiritual leaders, inaugurated by a major keynote speech by Mr. Kofi Annan, took place in August, and the international associations’ symposium on destructive cults, with an introductory speech by Mrs. Kerstin Leitner, the Peking representative of the United Nations Development Programme (UNDP), was held in November.

The latter provided an opportunity for the many overseas delegates to voice their concern over sectarian proselytism and to emphasise the need for appropriate remedies. The New York summit was however intended to achieve a far more ambitious goal on the eve of the third millennium.

Given that the gathering enjoyed the support of Mr. Kofi Annan, Geneva would have been a preferable and more appropriate venue, as this is where the United Nations institutions handling human rights matters are headquartered. A more modest venue than the luxurious Waldorf Hotel in New York would also have been preferable.

It would probably have been more appropriate, in terms of the funding of this type of spiritual gathering, to avoid raising funds from corporations or foundations whose main business has nothing to do with religious faith. The sponsors, apart from the United Nations Fund, did however include the Rockefeller Fund, an association

founded by Ted Turner, the Ford Foundation, etc. A handout published in July did however stipulate that some religious groups had also made a contribution by “sponsoring meals and making contributions in kind”. Neither the identity of these groups, nor the origin of their contributions, were published.

Regarding the religious delegations invited to attend the meeting, it would have been preferable to avoid forgetting or rejecting invitations. As far as omissions are concerned, strangely enough most of the leaders of the main French denominations (whose attendance had been officially announced), stated that they never received an invitation.

The government of the United States ought to have refrained from attending in a political capacity, as did all of the governments of the member States of the United Nations, without exception (unfortunately, the Reverend Jessie Jackson, President Clinton’s sherpa, attended both in his capacity as a “Christian leader” and “the President’s special envoy”).

The opening speech by the Secretary General on August 30th was somewhat surprising. It was intended as an admonition to all those who preach intolerance, religious fanaticism, obscurantism, who challenge or reject civil rights and condemned support for dangerous forms of nationalism operating in the guise of religious faith. Mr. Kofi Annan went further still by criticising the religious leaders for their muted approach to the struggle against persecution and hatred: in his view, the problem lies in the timorous attitude of a large number of believers rather than in faith itself.

The selected topics were reiterated in a resolution supporting a world culture of non violence, in the context of a struggle to be pursued or intensified against religious fanaticism, poverty, under-development, nuclear weapons and damage to the environment. The future will bear testimony to the concrete steps taken on the strength of this catalogue of praiseworthy intentions, hailed by the secretariat of the conference as a "phenomenal response from religions leaders around the world".

However the meeting of the millennium was also intended to define a framework for analysis in order to distinguish authentic churches, modestly termed as "major institutions", from movements with religious claims.

Four criteria were defined for this purpose. The first criterion is historical importance. This is such a vague concept that it can only be interpreted in the broadest terms: demographic representation, longevity, cultural involvement, social and political influence, etc. Any self-proclaimed religious movement, including the most unacceptable groups, can claim to meet this criterion, provided that its past actions produced lasting or durable results for the society within which they were operating. The vagueness of this particular feature is reminiscent of that which enables any non governmental organisation to be recognised as an international organisation by the United Nations, even though it may not have any activity whatsoever overseas (this decision was taken in 1986, at the instigation of the United States).

The second criterion defined by the Conference was the number of adepts. This is equally vague. While hundreds of millions of believers belonging to specific denominations are clearly numerically representative, what is the position of a religious movement with many followers in States whose demography is low? Furthermore, what is the yardstick for the other States?

Given the religious intolerance in many theocratic States which bar other denominations from freedom of public worship as well as banning other philosophical movements, how can adepts of forbidden movements, with no legal structure, be included in the various categories?

The same comments apply to geographical coverage, which is the third criterion, as to the two previous ones.

The following comment applies to the fourth (and last) criterion, based on the concept of longevity: *"a general indication is provided by the fact that the religion or faith may be more than one hundred years old and its charismatic founder or leader is no longer alive"*.

Thus in the absence of an agreed definition of the concept of religion, the only reasonably clear criterion is that of longevity. There are however some major reservations. This concept bears some resemblance to the legislation of some of the former Soviet bloc countries. In Russia, the law of 1997 on the freedom of worship established several constraints, one of which requires that a movement claiming to be a religion must have been in existence for at least 15 years in order to be considered as a legal entity. This constraint tends to indirectly bolster the position of denominations which have historically played a political and social role and to provide the others with a pre-set deadline for complying with the new legal requirements of societies which are in fact becoming increasingly secular. The law of 1997 drew sharp protests from minority Christian churches, particularly the Catholic church. However the "secular" timescale for the recognition of authentic churches does not seem to have elicited any particular reservations on the part of most religious leaders, despite the arbitrary nature of the required longevity.

Furthermore, the "general indication " provided by the fourth criterion underscores the privileged position of the major institutions, as their founder or charismatic leader is no longer alive. One could spuriously argue that this principle does not apply to Christianity nor to several other denominations insofar as it refutes the resurrection of the founder. Should this criterion not in fact be viewed as a further constraint in order to provide evidence that the faith was able to survive the demise of its charismatic founder? Under this particular assumption, the one hundred year requirement hardly provides an adequate guarantee of the long lasting nature of truth or error.

It is difficult to extract a corpus of objective criteria from the conclusions drawn by the Conference. This was no doubt further complicated by the diversity of the various concepts. The fact that guidelines for interpretation, however imperfect and unclear they may be, were established, reflects the gradual recognition of the need to define the widely accepted notion of a church as well as to provide a legal framework for this definition.

The Conference was aware of local differences and the polycentric nature of some denominations and thus decided that a map reflecting the patchwork of religious reality should be drawn up by a team of experts. The practical implications of this analysis and the monitoring thereof were entrusted to the general secretariat of the "World Peace Summit" which is an ecumenical body.

THE SECOND REPORT BY THE STATE DEPARTMENT OF THE UNITED STATES OF AMERICA

The second report by the American State Department on freedom of worship throughout the world (apart from the United States) was published on 5 September 2000.

While the Mission has no intention of polemicising over the international credibility of this report from the American perspective, it does however wish to make some comments and raise some questions.

The State Department devotes the first part of the executive summary of the report to “the violations of religious freedom throughout the world.” This cultion is divided into two sub-cultions, one of which discusses the situation in France.

The very title of this sub-cultion, *“stigmatisation of some religions as a result of their unwarranted inclusion among cults or dangerous sects”* (pages 17-64 of the report) represents a clear judgement on the part of the State Department regarding the religious nature of a specific movement. This judgemental approach is, to say the very least, paradoxical on the part of an official body of the American executive authorities, as the 1st Amendment of the American Constitution precludes any pronouncement on their part regarding the religious or non-religious nature of a group, a movement, a cult, a cult or any other body. Are we to understand that the 1st Amendment only applies to Federal territory and that that the American government is free to ignore it in other parts of the world?

Within the sub-cultion, the cultion on France provides a perfect illustration of the State Department’s self-proclaimed right to pass judgement on the religious or non-religious nature of French movements, as well as the danger they may represent. The text starts with the following arbitrary assertion: *“a report produced by the National Assembly in 1996, together with a progress report by Parliament in 1999, brands 173 groups as cults. These decisions contributed to an atmosphere of intolerance towards religious minorities. While some of these groups are clearly dangerous, most are simply unknown or unpopular”*... One cannot help but regret that the State Department did not release the lists (apparently compiled for its own benefit) of the French groups which would qualify as “religious groups”, of those which fail to qualify and finally those which “are clearly dangerous”. The only movement included in the latter category is the Order of the Solar Temple (pp 5-9 in the cultion entitled “the treatment of religious minorities in Western Europe”). We await the other names which would justify the use of the plural form in the report.

Furthermore one cannot help but question the impartiality of the authors of the report, as they unhesitatingly discuss France in vague, ambiguous terms, establishing unfounded associations and quoting unspecified opinions or sources.

For example, pp 5-9 of the same cultion of the report, entitled “the treatment of religious minorities in Western Europe”, contains the following passage under the heading “France”: *“furthermore France has been at the forefront of the questionable practice of drawing up so-called “lists of cults.”* The text then continues in the strangest, almost incomprehensible manner, as it seems to be totally unaware of the principle of French secularity, given the separation between the Church and the State: *“these lists are established*

by government agencies – in France the list was included in a parliamentary report – and include many religious groups "which may not be recognised by the government".

Apart from the apparent – and surprising – confusion between the French executive and legislative bodies, it is perhaps necessary to stress the fact that the French constitution is similar to the American constitution in that government authorities are not allowed to establish the religious nature of a specific group and therefore do not indulge in such categorisation.

Of course this was made clear repeatedly to the American representatives during the course of the many discussions held by the latter with French officials. However what did these discussions achieve?

The American report reproduces some excerpts from the previous report (1999) without however providing a full update. The form however implicitly suggests that the report has in fact been updated. For example: “some groups on the French list are still performing acts of discrimination”, according to the authors who continue as follows: “*one of them is the Nîmes Theological Institute, a private biblical institute founded in 1989 by Louis Demeo, a pastor in an associated church*”⁴. In fact, according to the Mission, the Nîmes Theological Institute had in the past complained about acts of violence (2 cars were destroyed by fire). These complaints gave rise to a police enquiry which was unable to produce evidence in order to identify the offenders. In 2000, to the Mission’s knowledge, there have not been any complaints on the part of the “Institute”, regarding acts of discrimination against the organisation or its members. However the State Department appears to know the Institute very well: when the latter attended the Conference of the Bureau for Democratic Institutions and Human Rights in 1998, the address provided was that of...the State Department in Washington.

Furthermore, the report mentions in vague terms that “*the Christian Scientists church has complained that its members have suffered acts of discrimination*”. The report does indeed mention a decision taken by a local authority described in rather vague terms as “an official in a district(?) of Paris”. This decision was apparently taken in April 1999. However the State Department’s report covers (as indeed stated by the latter), the period from 1st July 1999 to 30 June 2000. As the State Department report frequently refers to the Christian Scientists in France who seem to provide it with full details of the prejudice and discrimination endured by its members, should we thus infer that between 1 July 1999 and 30 June 2000 (the period covered by the report), the Christian Scientists did not suffer any discriminatory acts? Who in a country such as France, with its deep rooted commitment to freedom and the struggle against all forms of discrimination, would complain about this state of affairs?

It is regrettable however that a ruling by the Paris Magistrates’ Court against a member of parliament actively involved in the struggle against sectarian movements, should have been described as final when in fact it is still under appeal. This particular inaccuracy raises further doubts regarding the impartiality of the authors of the American report.

⁴ Associated with the evangelical Church of Grace, which is not recognised by the conference of French Protestant churches.

THE EUROPEAN PARLIAMENTARY ASSEMBLIES

THE EUROPEAN UNION

The Mission is particularly satisfied with the growing vigilance of the member States of the European Union in relation to the excesses of the sectarian phenomenon. However their policy on this issue lacks consistency and coordination. The growing degree of convergence has not yet produced a common policy.

The Mission wishes to encourage consultation among the partner nations in order to enable the European Union to formulate a clear policy regarding the scourge of the cults (following the example of the Council of Europe in 1999) and to implement the appropriate measures.

The European Parliament Commission on civil liberty and internal affairs should go beyond the excellent resolution adopted in December 1998⁵ and table a more detailed text followed by a vote during a plenary session of the members of parliament. The Mission intends to pursue its approach with European parliamentary groups representing the whole political spectrum and furthermore, to promote greater awareness among the various decision making bodies within the Union, such as the Commission and the Council.

The Mission felt duty bound to play its role as watchdog in relation to the European Charter of fundamental rights in the European Union, which expresses the human rights values embodied by the European Union. This text will probably be incorporated into the treaties and or will be used as an introduction to the future European constitution.

The Mission thus approached the French delegation to the "Convention", a body entrusted with drawing up the articles of the Charter, mainly in order to draw its attention to the two following points:

- Pseudo human rights movements, currently emerging in large numbers as a result of trans-national sectarianism, will unhesitatingly exploit any inadequate or equivocal clauses in the Charter and will thus attempt to incorporate principles that are contrary to article 4 of the 1789 Declaration of the Rights of Man and Citizens. Under no circumstances should the formulation of the Charter be repressive in relation to French law.

⁵ 1997 Resolution -n°32, adopted on 17 December 1998 : "invites member States to take steps consistent with the principles of government by law, in order to put an end to violations of individual rights committed by certain cults. The cults involved should not be granted the status of a religious or cultural organisation which enables them to enjoy tax breaks and some degree of legal protection". See appendix.

Comments were thus made on some of the articles in the process of being drafted. These comments were duly noted by our interlocutors who passed them on. The Mission wishes to acknowledge the vigilance displayed by French members of parliament and the French government whose involvement led to substitution in the foreword of the expression “*cultural, humanist and religious heritage*” for “*spiritual and moral heritage*.” The cults would clearly have interpreted the latter phrasing, as most of them are self-proclaimed religious bodies: this enables them to enjoy immunity from the legal framework which applies to all.

- The cults actively lobbied the members of the Convention, exploiting the participation of the INGOs in the debate over the Charter via auditions and an Internet forum for opinion gathering purposes. The Mission informed the authors of the Charter of the likely involvement in the forum of pseudo-INGOs, acting as a front for well known cults, and urged them to display the utmost caution.

THE COUNCIL OF EUROPE

Recommendation n°1412⁶ was voted by the parliamentary assembly of the Council of Europe in 1999 and should be followed by concrete action. It should be examined by the Council of Ministers which is likely to state its policy during the course of 2001.

The Mission has been closely following the gradual implementation of the various steps included in the Recommendation.

⁶ See appendix

CULTS IN FRANCE

CONTACT WITH
THE MAIN MINISTRIES

MINISTRY OF FOREIGN AFFAIRS

The Ministry of Foreign Affairs is aware of the international consequences of the actions of sectarian movements, their desire to extend their influence not only in most countries but also among international organisations or at major conferences.

Thanks to the extensive network formed by its diplomatic and consular missions and its permanent delegations at multilateral institutions, the Ministry of Foreign Affairs monitors major or significant developments in cults throughout the world, either in a specific country or at regional or international level.

The Ministry can thus also engage in fruitful dialogue with all types of local authorities and, in many cases, note a convergence of the constant concerns of the authorities faced with the threats from the cults to individuals and the proper running of institutions.

The cooperation between the Ministry of Foreign Affairs and the Mission is excellent both abroad and in France, where its many departments provide the Mission with all the assistance required. For its part, the Mission is of course glad to support our diplomatic missions, including in certain international circles, assisting them with its expertise, analysis and opinions.

As concerns the major lines of action undertaken by the Mission in close cooperation with the Ministry of Foreign Affairs, please refer to the cultion on international relations.

MINISTRY OF JUSTICE

The contact between the Mission and the Ministry of Justice continued in 2000.

The Mission reported matters which came to its attention and appeared sufficiently serious to the judicial authorities.

The Ministry provided the Mission with particularly interesting statistical data which show that with cults present virtually throughout France, the Ministry was informed – more than in the past - of matters relating to cults. It is currently considering some 260 cases, including a number relating to offences or crimes committed against minors have suffered sexual abuse (rape, sexual assault, procuring and corruption of minors) in movements with sectarian characteristics.

As far as legislation is concerned, the Mission was approached by the Chancellery departments regarding draft legislation aiming to establish stricter penalties for offences committed by corporate bodies and, if applicable, having them dissolved.

The Mission was pleased to note the regular presence of the legal authorities at the meetings of regional surveillance committees provided for in the circular of 1997.

MINISTRY OF THE INTERIOR

Since it was set up, the Mission has established ongoing contact with the Ministry of the interior, which provides it with considerable support.

The Ministry of the Interior frequently takes part in meetings of the regional surveillance committees which enable in-depth observation of the situation in respect of cults within each department, monitor developments and, if necessary, take appropriate action by involving all civil servants.

The relationship with the Parisian police headquarters, which is essential in view of the large number of sectarian movements in the capital, developed very satisfactorily in 2000. Fortunately, some sectarian excesses which represented "a nuisance" for the Parisian population, have disappeared.

MINISTRY OF EDUCATION

The Mission is frequently approached by senior civil servants in the Ministry of Education, teachers and parents, which is a sign of the increasingly determined vigilance regarding attempts by the cults to infiltrate this sector which is particularly sensitive and exposed.

In addition, it is recommended that future teachers, including students at the *Instituts Universitaires de Formation des Maîtres (IUFM)* (Teacher Training Colleges), systematically receive in-depth training concerning republican values and develop a particular awareness of the principles of secularism, the common foundation for all citizens making up the nation. A circular concerning this is about to be sent to the Heads of IUFMs. The Mission is prepared to support any conference aiming to promote awareness of these issues.

In conjunction with the executives in the Ministry's legal affairs department, a pamphlet more specifically aimed at informing administrative executives about sectarianism is being drafted. It would be best if it were published in the course of 2001.

The Mission has responded to countless requests from classes and educational institutions, both public and private (conferences, requests for documentation), both in metropolitan France and in the overseas territories.

The question of some (rare) teachers, who are self-confessed, active members of cults, and who do not express their convictions during lesson times but have an especially damaging "reach" outside the school, has not yet been resolved in administrative terms.

For the first time, the Mission took part in the Education Fair (22-26 November 2000), where it had an information stand which received many visitors. A large number of pamphlets were distributed. Under the Mission's presidency, a conference followed by a debate was organised with the support of the main ministries involved and two major associations involved in combating sectarianism.

MINISTRY OF YOUTH AND SPORT

In keeping with tradition, the excellent relationship between this Ministry and the Mission continued throughout the year.

At the request of the Ministry of Youth and Sport, the Mission regularly takes part in training seminars for its executives.

Special contact has been set up regarding the worrying developments in some associations not recognised by the French Scouts Federation but which could, during organised holidays, apply for approval from the relevant authorities. The Ministry's vigilance, in full observance of freedom of association, was appreciated.

The Mission does however emphasise certain legal or regulatory shortcomings among holiday centres opened in France by foreign associations which sometimes include young French people as well as a majority of foreign nationals. It would be desirable for the Ministry of Youth and Sport to be empowered to monitor these centres - their numbers are on the increase, including several départements in the South of France – and that such control should extend beyond the technical competence of the staff and compliance of the premises with health and safety standards.

The Mission supports the Ministry of Youth and Sports' approval policy; the Mission welcomes the efforts in this area in order to improve the level safety. Other government departments could benefit by studying the expertise of the Ministry in this field.

Finally, the Mission wishes to emphasise its satisfaction with the many local initiatives of the Ministry of Youth and Sport in providing young people with information and in respect of preventative measures.

MINISTRY OF EMPLOYMENT AND SOLIDARITY

The positive working relationship and exchange of ideas continued in 2000.

Direct contact was made with the Minister and with junior Ministers and secretaries of State.

There was constant contact between the chargé de mission working under the deputy director for Social Development, Family and Children's Affairs and the Mission's competent chargé de mission, appointed in October 2000.

The publication in October of the first circular of this department, which handles many problems, represented considerable progress due to the areas of competence involved and the methods suggested in the Appendix to respond to the many challenges of sectarianism by each government body.

Please refer to the relevant cultors for information on professional training and psychotherapies.

ABROAD

The Mission's involvement in handling the problem of sectarianism in the overseas departments continued on two fronts in 2000:

- the regular running of surveillance committees under the supervision of the Préfecture.
- the specific problems posed by penetration by the cults into the public and private school system.

Three M.I.L.S. trips were made – to Guyana in February, and to Martinique and Guadeloupe in May. A trip will be made to La Réunion in early 2001, with the same objectives.

SURVEILLANCE COMMITTEES

As in the metropolitan departments, prefects generally delegate the monitoring of sectarianism to a close colleague, usually the private secretary.

Meetings are held in the prefecture; the timing of meetings depends on the current state of sectarianism. Regular visits by the Chairman or a member of the MILS offer the opportunity for plenary sessions attended, upon invitation, by the judicial authorities, including the Court of Appeal magistrate responsible for monitoring sectarian problems. Approved associations are invited to attend these plenary sessions, both in metropolitan France and abroad. Their presence is particularly welcome. For instance, in Guadeloupe it was possible to take account of information while the department which should have provided the information appeared to be unaware of it.

Plenary sessions enable an in-depth exchange of information and ideas between departments which had previously been used to working separately. The involvement of prefects and their direct colleagues further facilitates the monitoring of sectarianism and the definition of suitable strategies if they themselves are involved and are aware of the real extent of the threats which the current expansion of cults poses for institutions which have in some cases become fragile due to a deteriorating socio-economic situation and specific geographical location.

Besides meetings of the surveillance committees, initiatives were taken in Martinique to provide support from State departments for varied initiatives: a conference of the *Centre régional d'information jeunesse (CRIJ)* (Regional Centre for Information to Young People) in the prefecture itself in Fort-de-France (some 250 participants), presentation of documentation drafted locally for secondary school pupils and students (publication of a pamphlet alerting them to the problem and a small poster with the backing of the mayor's office in Fort-de-France), an initiative by BTS pupils in a private secondary school (AMEP), etc.

The Mission would like this type of local initiative based on the associative framework to become more frequent and public authorities to make an active contribution to their success.

Support was requested from departmental and regional representatives. In Guyana, an information session was held involving the elected members and managerial staff of both bodies. In Martinique, representatives took part in the meeting of the surveillance committee in an enlarged format. In Guadeloupe, discussions were held with the Presidents of the two assemblies.

In view of the particular responsibilities of the territorial representatives, the Mission would like meetings of elected representatives to be held in Réunion, Martinique and Guadeloupe following the example of what has taken place in Guyana, provided that the upcoming municipal elections make it possible to arrange these.

At the meetings which have already been held, the Mission can only confirm the impression prevailing in the departments abroad that cults have made considerable inroads. It is rare to find a family in which at least one member does not belong to a cult or has not suffered the damaging effects of cults. The traditional hospitality of overseas society and the traditional pluralism of its composition, which sometimes attenuate the aggressive nature of sectarianism as it is seen in metropolitan departments, are an additional factor in reducing resistance which calls for increased vigilance on the part of all the local officials and the staff of the three public bodies.

SECTARIAN PROSELYTISM IN EDUCATIONAL INSTITUTIONS AND SCHOOLS

The Mission has noted the extent to which the field of education is of interest to sectarianism, which uses a very wide range of means and instruments in respect of this field.

Despite the circular of 14 May 1999 from the Minister of Education on tighter control over school attendance, some teachers or administrative staff continue to plead a supposed immunity from conviction in order to be absent from their job one day a week⁷. The education offices, which are aware of these – fortunately rare – cases, should be able to settle these difficulties which have a negative impact on the workload of teachers who comply with the Ministry of Education's standards, under the control of the management of the Ministry's legal affairs department.

The same principles should be brought to the attention of parents in respect of school attendance, as soon as they opt to register their children with a public establishment.

As concerns private institutions without a contract and home tuition, the passing of the Law of 18 December 1998 and the rapid passing of the implementing decrees have granted the Ministry of Education's departments extensive monitoring powers since the start of the 1999-2000 academic year.

Here too the vigilance of directors of education should make it possible to avoid any abuse of the system.

Several specific factors were brought to the attention of the MILS:

- 1) Children failing to fulfil the obligation to attend school (small marginal groups noted in each of the three DFAs).

⁷ According to the information provided to the Mission by unions.

- 2) Attempts at large-scale conversion to a cult in a comparatively closed ethnic environment and the problem posed by the existence or projected opening of a class coming under public education. Obviously, the MILS can only recommend a student transport scheme so that they are educated in an open, pluralist environment, in accordance with the purpose of public education.
- 3) Distribution by a teacher of sectarian literature in premises belonging to a public educational institution. Obviously, sanctions can only be taken once the offence has been established.
- 4) Proselytism by the children themselves. Some cults, which systematically register children in public institutions, encourage them to "bear witness" among their fellow pupils.
- 5) This attitude clearly contravenes the principles of republican schools. However, since this proselytism involves minors, the Mission can only suggest direct contact between teachers themselves and parents to clearly define their responsibilities, and that they should be reminded of the secular nature of public education.

INFORMATION FOR TEACHERS

With the support of directors of education, the Mission organised working sessions open to teachers and administrative executives of the Ministry of Education and certain future teachers at training colleges in the IUFMs. These meetings were a great success in Guyana and Guadeloupe (with more than two hundred active participants). Only thirty or so people attended the session in Martinique, since fewer people were invited. However, the director of education, who – along with his colleagues – attended the conference, wished the Mission to publish an article in a future edition of a pedagogical review in order to spread the information to all the staff concerned. The Mission shall do so as soon as it is officially requested.

Each of the conferences was given media follow-up in the press and on radio and television.

It would appear that the situation prevailing in the DFAs is now better known internally and better recognised by the public authorities. This vigilance should be maintained. The presence of a person from abroad within the Mission's Policy Council is particularly appreciated in this respect.

For its part, the Ministry of Education has sent a mission to Guyana, following the Mission's report in 1999. Similar initiatives have been taken or are about to be taken by other government departments.

Locally, there was little apparent reaction from cults during the MILS missions (distribution of some obsolete tracts in Fort-de-France, the usual visits from some cult members who arrived at the end of the public meetings to claim, as is their wont, that they should not be considered as cults and to denounce other movements as being truly sectarian).

The Mission wished to receive the opinion of the Policy Council on the question as to whether, in view of its meagre resources and also the development of sectarianism in TOMs

and in Mayotte, it would be possible to consider extending its investigations there. The Policy Council gave a positive response, and the Mission is keeping this principle in mind for 2001.

THE SENATE AND THE FRENCH NATIONAL ASSEMBLY THE ABOUT-PICARD LAW

Declining any specific legislation but favouring the adaptation of our laws and regulations in line with the challenges posed by sectarianism and avoiding subsequent problems by ensuring that future texts do not open unexpected loopholes for developing sectarian proselytism: these were the Mission's principles for action as stated in its first report. They continue to serve as the Mission's guidelines in its relations with the legislators, whose work it follows with close attention.

THE DRAFT ABOUT-PICARD LAW

Political consensus continued to prevail in the parliamentary assemblies regarding legislation. After the vote in the Council of Europe on 22 June 1999 on the recommendations of the report by Mr Adrian Nastase, a Rumanian member of parliament, on the "illegal activities of cults", the French National Assembly and Senate unanimously approved, at the first reading, the bills aimed at reinforcing prevention and repression in respect of sectarian groups by supplementing the existing legal framework.

- 1) The draft law proposed by Senator Nicolas About (D.L.) "*with a view to reinforcing the punitive measures in respect of associations or groups which, through their misdemeanours, constitute a threat to public order or a serious danger for the individual*" was adopted on 16 December 1999.

It was based on the decree-law of 10 January 1936 which provides for the dissolution of combat groups and private militia. It extended the scope of offences involving the liability of corporate entities and increased the penalties for re-establishing an association which has been dissolved.

- 2) The draft law *aimed at reinforcing prevention and repression in respect of sectarian groups*, submitted to the vote of the National Assembly at a first reading by the President of the Cult Study Group, Ms Catherine Picard (P.S.) - a synthesis of several proposals from members of various political parties, including Mr Pierre Albertini (UDF), Mr Jean-Pierre Brard (app.PC), Mr Eric Doligé (RPR) and Mr Jean Tibéri (RPR) – takes up the spirit of the draft About law without however referring to the decree-law of 1936.

It aims to facilitate the dissolution by the legal authorities alone of groups convicted by the courts on several occasions, while extending the range of offences involving the liability of corporate bodies in order to bring it more in line with the present reality of sectarianism: the

illegal practice of medicine and pharmacy, misleading advertising, premeditated fraud or falsification with punishable under the consumer law, endangering minors, attacks on property, threats to the physical or psychic integrity of persons, and threats to freedom and life.

The bill also includes provisions on restricting the installation of sectarian groups in the vicinity of sensitive institutions (hospitals, schools, nursing homes, and social centres) and advertising such organisations in publications aimed at young people.

Finally, it establishes psychological manipulation as an offence, defined as follows: "*activities, the purpose or effect of which is to create or exploit the psychological or physical dependence of persons taking part in these activities and infringing human rights or fundamental freedoms, to subject someone to serious and repeated pressure in order to create or exploit such a state of dependence and to induce the person concerned, willingly or otherwise, to commit an act or refrain from exercising a right which is seriously prejudicial to the said person.*"

Given the large number of debates tending to favour sectarianism in an attempt to rally public opinion, the Mission deemed it useful to remind people of the law prevailing in France in respect of dissolution and to note the manner in which it is no longer adequate to respond to the new challenges now faced.

Articles 3 and 7 of the Law of 1901 provide as follows:

Art. 3: Any association based on a cause or with a view to an illegal objective, contrary to the law or accepted standards of behaviour, or the purpose of which is to undermine the integrity of the State and the republican form of the government, is null and void.

Art. 7: In the event of nullity under the provisions of Article 3, the dissolution of the association is decided on by the High Court, either at the request of any interested party, or at the request of the public prosecutor's department. The public prosecutor's department may assign an appointed day and the court, under the sanctions provided for in Article 8, may order on a given day and notwithstanding any form of appeal, the closure of the premises and the ban on any meeting of members of the association. In the event of breach of the provisions of Article 5, the dissolution may be ordered at the request of any interested party or the public prosecutor's department.

Due to their imprecision, the provisions of Article 3 proved to be generally unenforceable. In 1936, faced with the threat from the fascist leagues, a decree-law created the possibility for the government authorities to dissolve (in the Council of Ministers) those movements which threatened the fabric of the Republic's institutions. An appeal against such dissolution – known as administrative dissolution – can be submitted for appeal to the Council

of State. It can rarely be used against cults, other than in the event of those which maintained armed forces⁸.

This is why the Mission, on a majority vote of its Policy Council, showed a clear preference for recourse to the judicial authorities to neutralise those corporate entities which undermine human rights and social order⁹. Paradoxically, this position was criticised by a religious figure who is apparently poorly informed on the finer points of the law governing associations.

In addition, the About-Picard bill introduces into French law a new offence, that of psychological manipulation defined as follows:

"The subjection, within a group which pursues activities the purpose or effect of which is to create psychological or physical dependence of persons taking part in such activities, of one of its members to serious and repeated pressure or to techniques likely to alter the individual's judgement in order to induce the individual, willingly or otherwise, to commit an act or refrain from exercising a right which is seriously prejudicial to the said person, is punishable by three years imprisonment and a fine of 300,000 francs."

This Article has attracted much comment, although it does not entail anything new.

For almost a century, Article 31 of the Law of 1905 has censured abusive pressure exercised on a third party with a view to changing their convictions.

"Those who, either by means of molestation or threats against an individual, or by making them fear losing their job or exposing their person, family or fortune to loss, have caused them to exercise or refrain from exercising a religion, to belong to or cease belonging to a religious organisation or to contribute to or refrain from contributing to the costs of a religion, are punishable by a fine applicable to 5th class infractions and imprisonment of between six days and two months, or one of these only."

However, these provisions, which stand out due to their concision and their "alternative" nature, only relate to psychological manipulation within the religions sphere. However, contemporary cults do not limit their activities to the religious sphere (some are even involved in atheistic proselytism).

More recent than these secular provisions, there are two Articles of the Code of criminal law of 1994 which censure virtually the same offences but restrict them to persons

⁸ Which could be the case for armed organisations of some large multinational cults in the United States, whose declarations are 'calls to arms' against democratic institutions.

⁹ Since 1994, the Code of criminal law provides for sanctions against corporate entities.

"in a weakened condition." One (313-4) sanctions individuals and the other (313-9) corporate entities. However, the mental pressure applied by sectarian groups does not usually involve persons in a weakened condition. The process of gaining influence often begins from acceptance of an implicitly contractual nature, with the consent of a person of sound mind. The subservience of the new recruit will only be perceptible after pressure has been applied for a varying length of time. The Mission has gathered a large amount of evidence confirming this, which is a common feature of proselytism of all cults (and, from this point of view, sets them apart from denominations or philosophical movements which respect the freedom of others).

It would therefore seem to be essential to improve the penal provisions to take account of this reality which has thus far not been adequately addressed.

As described above, the offence of psychological manipulation was adopted at the first reading in the National Assembly. Concerned with guaranteeing the basic freedoms and compliance of this aspect of the draft law with the provisions of the Human Rights Convention, the Minister of Justice expressed the wish – on 24 July 2000 - for the national consultative commission on human rights to be consulted prior to the second parliamentary reading. The said commission gave its opinion on 21 September¹⁰.

It confirms fact that the law does not threaten individual freedom, noting that "*the simple fact of belonging to a group which pursues activities the purpose or effect of which is to create psychological or physical dependence among persons taking part in such activities is not punishable under Article 9 of the draft law, which respects the fundamental freedom of thought, conscience and religion*".

On the contrary, it believes that "*creating a specific offence of psychological manipulation does not appear (to the Commission) to be appropriate*" since an amendment to Article 313-4 is possible – it suggests inserting this Article in the Code of criminal law "*so as not only to involve harmful acts relating to property*".

The Mission notes this important opinion, confirming that it implicitly also applies to Article 313-9 in parallel with Article 313-4. Consideration of the draft law in principle included on the Agenda of the Senate and the National Assembly for the first quarter of 2001, will clearly raise the problems posed by the fact of people entering "cults" becoming dependent without being in a weakened condition and discovering, after becoming members, the reality of the strategy of having ascendancy over them of which they have been victims.

¹⁰ See appendix.

DRAFT LAWS RELATING TO PSYCHOTHERAPISTS

As early as its 1999 report, the Mission noted with regret the absence of any framework for the activity of psychotherapists. This legal and regulatory vacuum could not help but attract the attention of many sectarian movements interested in both a probable financial godsend and an increased facility for obtaining a hold on individuals.

Two draft laws were submitted to the National Assembly in 2000, aimed at regulating the conditions for practising the activity of psychotherapist:

- the first, submitted by Mr Jean-Michel Marchand (Greens) on 28 March, relating to exercising the profession of psychotherapist, involves the attribution and use of the title;

- the second, submitted by Mr Bernard Accoyer (RPR) on 26 April, relating to the dictates and conduct of psychotherapies.

It is not possible to predict the parliamentary fate of these initiatives. For an analysis of this problem, please refer to the cultion on the administrative and deontological regulations for the activities of psychotherapists.

Besides the conditions governing the practice of psychotherapy, the Mission drew the attention of members of parliament the to other questions which could be the subject of in-depth analysis: democratisation of the management of associations, regulation of the profession of trainer and the conditions for reimbursement of expenses of some electoral propaganda campaigns.

LOYALTY IN THE CONTRACT

The analysis of the risks arising from the behaviour of, or acts committed by, sectarian organisations or their members show a large number of features common to most of the situations met in setting up the relationship and cementing the initial relationship between the organisation and the person "targeted".

This remark applies to both the risk run by an individual and that pertaining to a corporate entity. The significance of the remark is evident when observing the establishment of setting up the relationship and its attendant ramifications.

In response to the need for decoding the relationship established and maintained between a sectarian organisation and the person targeted, it now seems possible to define two parallel analytical approaches. They are both likely to facilitate the determination of the fields to monitor and measures to be taken in relation to the estimated risk.

The final aim is to characterise the type of "contractual relationship" set up and describe the development and changes implied by this relationship.

It is useful to construe a sectarian organisation as being one or more entities working, together or separately, towards reaching an objective centred on a person targeted.

There are three stages in this relationship, which is of a contractual nature:

- 1 – the attraction/seduction stage
- 2 – the habituation/integration stage
- 3 – the dependence/coercion stage.

For individuals, the manner in which the successive stages unfold can be described as follows:

The "attraction/seduction stage" starts by basing itself on a need for answers to more or less extensive questions on the part of people lacking points of reference, aspiring to another way of life or looking to get out of a temporary impasse, on a personal, professional or social level.

The "answers" given by the organisation are to furnish "ready-made thoughts" or "ready-made actions".

The aim of this initial contact is first and foremost to provide a feeling of security, to create a climate of confidence and to give an apparent impression of control of one's personal destiny.

Thus the forms of initial contact bear real similarities to a contract or an agreement, since the persons involved are generally of sound mind and not in a weakened condition. The link is often formalised by the purchase of a product or service, or an initial undertaking to perform a job or action on behalf of the organisation appearing under the form of a legal entity providing a service or goods or offering a hypothetical subsequent benefit.

From the point of view of corporate entities, the "attraction/seduction stage" may, for instance, reflect of concerns within the company or institution shared by managerial staff and employees over the concept of "*the search for a direction*" or as part of reflections on "*spirituality in companies*" or through apparently novel approaches to concepts of personal development and the acquisition of management skills.

It is usually possible to implement this stage through intervention by service providers, group leaders or external experts.

The second stage, consisting of "habituation/integration" aims at confirming and consolidating the link established by a change of attitude - initially imperceptible - deliberately programmed by a sectarian organisation using sophisticated communication techniques, the result of which is to make participation in increasingly demanding training courses, more significant personal or collective involvement, and acceptance of a restrictive development scheme indispensable to the targeted individual or corporate entity. The gradual estrangement from former private and social points of reference is a revealing sign - although this is seen at a late stage - of the ascendancy of the sectarian movement over the individual. Regarding corporate entities, the state of dependency of the targeted group, company or institution starts to become apparent vis-à-vis its partners, customers or users. The company's object or the final aims of the institution are gradually lost from sight: the search for economic expansion is gradually diverted to the benefit of the sectarian movement whose incompetence can only lead to failure (bankruptcy, liquidation, etc.). As far as institutions are concerned, unequivocal signs start to appear. Some of the employees accept allowing the orders of the group to which they belong to take precedence over their employer's interest: lost files, unanswered correspondence, all justified by an easy excuse – an excessive workload, the complexity of the job, etc.

The "dependence/coercion" stage puts the finishing touches to the organisation's strategy.

This gradual process frequently involves successive contracts or agreements.

The observation of many concrete cases examined by the Mission confirms this. At the outset, the contract involves explicit or implicit consent. The important thing is therefore to assess the conditions in which the sectarian organisation will influence the successive phases of acceptance agreements, basing its action on a progression towards dependence on the part of the target controlled by the organisation.

This increase in dependence, controlled by only one of the contracting parties, creates a growing imbalance as the continuous chain of contracts is set up.

This process extends to many fields of action (the following list is of course not exhaustive):

- granting loans for carrying out objectives of a "sectarian" nature which are consistent with the lender's objectives
- carrying out therapeutic care sessions or long-term medical care, developing training courses and the like, without scientific validation
- professional and social progression in a commercial pyramid structure
- creating and developing structures or activities of a "social" nature, or which show "solidarity", without official approval or ratification

- installation in a company of new management methods whose innovative nature would justify the fact that they are not known to the public and private regulatory bodies
- setting up, sometimes, venues for cultural and artistic expression.

From the initial contract freely agreed to the subsequent "agreements" made between "partners", two major factors characterise the development of the contractual relationship to the sole benefit of the sectarian organisation:

- increased demands for implementing the contract on the person acquiring the goods or services or awaiting the benefits arising under the terms of the contract
- increased psychological, material and financial dependence.

This manipulative process which is spread over time can be described as a mechanism of gradual exploitation of a personal situation of ignorance of the terms of a contract made between an organisation and a person, the purpose or effect of which is to reduce the freedom of assessment or decision of the person involved through the implementation of an initial contract extended the subsequent renewal or extension of the said contract.

This process goes against the principles of autonomy of will and loyalty of the clauses contained in the contracts drawn up.

PROFESSIONAL TRAINING: POSITIVE PROGRESS

The Ministry of Employment and Solidarity is one of the most involved in combating cults. Its varied competence extends to the fields especially open to these phenomena:

- professional training,
- social action,
- health, including mental health.

On the questions relating to professional training, which constituted (cf. 1999 report) one of the favoured "*fields*" of influence and resources of sectarian organisations, considerable efforts were made in 2000, on the initiative of the Ministry's bodies and departments concerned and, first and foremost, the "*Délégation générale à l'emploi et à la formation professionnelle*" (General Commission for Employment and Professional Training).

A circular on sectarian practices in the field of professional training was very widely distributed.

It encourages the departmental and regional staff responsible for employment, labour and professional training, notably the regional departments which supervise training, to "*be especially vigilant when they become aware of the running of training and research organisations and to look into all conduct and types of management which may be an indication of illegal practices*".

It is their responsibility to verify that the stated objectives comply with those set out by the legislator and that the kinds of training offered fall expressly within the scope of application of the provisions of Article L 900-2 of the labour laws.

The departmental management services are particularly required to exercise vigilance on personal development courses which are very often a favoured means for penetration of the field of training by sectarian organisations and are not likely to be considered as falling within the field of professional training.

In the event of genuine indications or indisputable proof of sectarian influence, the sanctions provided for by the law on professional training or common law must be enforced:

- refusal to register the notification of incorporation
- withdrawal of the prior notification
- rejection of the application for deduction of expenses and reimbursement to the Treasury

- forwarding of information to the relevant public prosecutor in the event of discovery of reprehensible behaviour which might be sanctioned by law.

In addition to the circular of the General Commission for Labour and Professional Training, the Ministry of Employment and Solidarity distributed an important circular pertaining to sectarian offences¹¹.

This circular determines the action by government bodies. It covers three separate levels namely : prevention, coercion and redress. It applies to the entire Ministry, with regard to both labour, employment and professional training and health and social affairs.

It requests departments:

- to carry out controls, in compliance with the rules of common law, in the event of certain systems which claim to be free from the law and appear prejudicial to public order.
- to undertake preventive action, by increased vigilance in the approval and authorisation procedures.

Particular attention should be paid to the behaviour of training organisations, and this is particularly true of "vulnerable" individuals, whether activity employed or not (people who are illiterate, people without qualifications, those seeking employment, the handicapped, those on minimum benefits, etc.). Monitoring personal development programmes or remobilisation programmes (which are often a means favoured by sectarian movements for penetrating the field of training) is now considered essential.

In the event of doubt as to the compatibility of any organisation's training programmes with the final aims allotted to it and the deontological principles incumbent on any organisation of this kind, the departments are requested to exercise extreme caution.

QUALITY: A DEFENCE AGAINST CULTS

The Mission is emphasising the training of professionals and a major campaign aimed at improving quality (standards, labels, certification and qualification). In the Mission's view, this is one of the best ways of combating the influence of cults.

Considerable efforts have been made by the various bodies concerned.

In recent years, various training schemes have given rise to many publications detailing the respective views of the various operators in the system of professional training and political and government representatives.

¹¹ Circular No 501 of 3 October 2000.

In addition to providing critical analysis, these publications highlight major malfunctions.

The inability of those involved in the professional training system to establish a balance between the virtual total lack of regulation (the simple notification of existence, the adverse effects of which are almost unanimously recognised) and efforts, probably over-ambitious in view of the resources which would have been required, to regulate access to the market (authorisation or approval procedures).

This makes it difficult for the major users of training – state departments, regional councils, *cultor*'s or large companies and administrative entities run jointly by employers and unions – to obtain a precise view of training facilities and notably the training areas which involve them directly. This difficulty is all the greater since the market is becoming increasingly diverse and less transparent with the uncontrolled growth of "providers of training".

In view of these difficulties, all users have tried to set up assessment procedures; this includes state bodies (authorisation and approval of training organisations), regional councils (quality procedures), large companies and organisations run jointly by employers and unions (purchasing procedures, taking up references or ratification of suppliers). The existence of this difficulty is partly recognised by the profession - setting up of the "*Office professionnel de qualification des organismes de formation* (OPQF) (Professional Office for Qualification of Training Organisations) - but the general trend is still to turn to the market which should itself have institutional quality procedures (ISO 9000 certification, NF mark, etc.).

One of the areas of the reform process of the professional training system undertaken by the Secretary of State for Women's Rights and Professional Training should supply a solution to these malfunctions. It would seem essential to re-establish the positive image of this *cultor*, a guarantee of its effectiveness, and to grant training organisations and people working within them the resources to cope with the challenges of the modernisation of the system.

A round table meeting was organised by the Secretary of State based on three questions:

- how can the identification procedures for organisations contribute to restoring the good image of the training *cultor*?
- how, within the regulations, can the economic dimension of the training *cultor* be reconciled with the required protection of users?
- how can the public authorities support the efforts of the profession in obtaining signs of quality and professionalism?

The working parties detailed with drafting concrete proposals which would contribute to the process of reform undertaken submitted their conclusions on 12 October 2000.

Whether this involves:

- identifying "training firms" by distinguishing them from individual providers without a support structure;
- maintaining the general prior notification for all types of offer;
- reinforcing the means of State control;
- promoting instruments to recognise the professionalism of providers;
- reinforcing professional training agreements;
- promoting quality undertakings in the services ordered by the State and regions;
- facilitating and giving a framework to the role of *Organismes paritaires collecteurs agréés (O.P.C.A.)* – (Approved Organisations run jointly by employers and unions),

all the proposals tend to emphasise social control of the overall quality of the training process.

Control by public authorities of the participation by employees is now largely inoperative, and has not generally been taken over. We know that including training in the company's development strategy is often - for the organisation and its employees - a guarantee of the relevance of the training programmes and the quality of the training itself. It is also essential to construct a training policy offering convergence, if not consistency, of the individual needs and those of the company.

Thirty years after the negotiations prior to the 1971 law, the public authorities should now take the required initiatives so that the many legitimate representations of the social partners on the quality of training also support its development. This innovative request should make it possible, in the near future, for the Mission to no longer receive complaints from employees shocked by the conditions in which they are obliged to follow so-called training courses directed, overtly or covertly, by sectarian organisations.

EXEMPLARY COOPERATION

The *Fédération des chambres syndicales de formateurs consultants (FCSFC)* (The Employers' Federation of Training Consultants) had indicated its intention of setting up a working relationship with the MILS which could lead to a partnership.

It is worth noting that in late 1998 the said Federation registered the title of training consultant in the professional register, for the purpose of ensuring better recognition of the profession in the training market.

This title is intended for individuals who are professionals in continuous training, whose job entails two functions – trainer and consultant. These people must have the skills required to analyse a request for training and the problems faced by the person/entity submitting the request, draft the training project, organise the training course or monitor its implementation, assess the project and monitor the programme.

In addition, they must have recognised experience of at least five full years, or two years if they have a level III diploma as trainer, or an *ICPF (Institut de certification des professionnels de la formation)* (Institute for certification of training professionals) certificate, at the level of "qualified" or "expert". They are also required to undertake to comply with a code of conduct.

The *Fédération des chambres syndicales de formateurs consultants (FCSFC)* is responsible for maintaining the professional register of training consultants. A list of training consultants registered on the professional register will be available to users.

In order to facilitate the transparency of the skills of the trainers, the *Fédération des chambres syndicales de formateurs consultants* also favoured setting up an independent institute for certification of training professionals (*ICPF*). This provides (individual) professionals requesting it with a certificate on request, after examining the file and interviews with qualified officials.

The certificate is awarded, on an individual basis, to any person exercising an activity falling within the scope of professional training, regardless of their status. There are three levels of certification: "approved" for beginners, "qualified" for professionals who have practised for five years, and "expert" for those who have practised for at least ten years. Nine different types of job are distinguished, applicable to the various fields of training used in the *Formacode*¹²:

- training organiser
- training official
- training designer
- training adviser
- trainer
- training engineer
- skills assessor
- tutor
- "coach".

Certification is obtained for the entire period in which the activity is exercised; inspections are effected every three years.

Before setting up a partnership involving all the partners involved in the field of continuous professional training, the MILS – on a trial basis – undertook fruitful working meetings with the *FCSFC* throughout 2000.

¹² *Thésaurus des domaines de formation*, written and published by the Information Centre.

The topics covered are at the heart of the problems relating to improving quality, more precisely:

- the title,
- the schedule,
- ethics and codes of conduct.

ACCELERATING THE IMPLEMENTATION OF GOVERNMENT REGULATIONS AND CODES OF CONDUCT FOR THE ACTIVITIES OF PSYCHOTHERAPISTS

There are probably fifteen thousand psychotherapists in France and this number could double in the next ten years. It is estimated that there are several hundred different techniques of psychotherapy, which can be undertaken individually or collectively - in families or in groups. New therapeutic training (known as theo-therapies), generally inspired by religion, are currently multiplying at a very rapid pace.

There is another side to the proliferation of this discipline. There is no statute governing this fashionable profession, and no specific qualification for exercising it. Anyone can set up as a psychotherapist without breaking the law. Doctors, psychiatrists, psychologists and unqualified people all work in the profession, the common factor usually being that they have undergone psychotherapy themselves – this is equivalent to an initiation which affords them recognition from their peers. Some only have theoretical or university knowledge, which is considered as being insufficient for practising psychotherapy. Others practise without having any specific training, the only criteria being their work on themselves. Others have neither theoretical knowledge nor practical experience.

Since there are no set rules, charlatans can practise without restraint. There is much evidence of involves abuse by unorthodox professionals who have led their patients to distress. The general public knows nothing about the practitioner or what he/she has to offer. Nowadays we are also finding cases of "therapeutic roaming", or patients seeking a cure going from one psychotherapist to another, always hoping to find the "rare pearl" which will free them from their anguish and lead them to personal fulfilment.

In itself, the problem might well not involve the Mission. However, its attention has been drawn to various facts: among the countless psychotherapy movements, and more especially neo-training, some practices are structurally comparable with those denounced in groups of a sectarian nature. Deontological malpractice can lead to dependence on the part of the patient, an over-riding influence on the part of the psychotherapist, or a break with family, spouse or friends and offer a new view of the world with the risk of cutting the patient off from society. The Mission therefore shares the wish by most of the psychotherapeutic field to set up safeguards.

New therapies and the New Age spirituality, both of which were developed in the seventies, have mingled to give rise to a psychotherapy movement in which the *Syndicat National des Praticiens en Psychothérapie (SNPPsy)* (National Union of Practitioners of Psychotherapy) recognises that use is made of "*feelings of belonging and inadequacy inherent in human nature in order to group members around a guru in a more or less closed group, with a varying degree of secrecy, serving as a marginal family or womb*" (Yves Lefebvre). This type of closeting is far from contributing to the freedom of judgement and autonomy of individuals which is at the heart of the task of a psychotherapist. It comes down to taking advantage of the patients' need to idealise their therapist and thus constitutes an example of therapeutic sectarian abuse. However, attention should be drawn to the existence of negative effects in some 10% of therapies. These effects appear in patients with different diagnoses, treated by means of psychotherapies with different theoretical leanings, applied on the basis

of distinctive methods. These effects should not be confused with those generated by malpractice of psychotherapy.

Several factors explain why psychotherapy may give rise to misconduct of a sectarian nature. When listening to former patients, we note that psychotherapy reaches people with a thirst for self change, improvement or alleviating suffering, who therefore place themselves under the imaginary power of the therapist, who is then comparable to a kind of magician. During the treatment, the relationship with parents is discussed and questioned. Patients experience times of suffering which they manage to strip of their dramatic nature due to the warmth, listening and contact with others, in the case of group therapy, and in all cases due to the support, presence and listening of the psychotherapist. The dark spot here is money, which is sometimes considered as a brake on therapeutic enthusiasm and seen as "a manipulative pressure". However, if the therapy succeeds, patients rarely regret having invested on their own behalf.

These are the same target group, the same expectations, the same group relationships and the same moments of suffering as those seen in involvement with a cult. Only the results may be diametrically opposed: successful therapy leads patients to feel in control and gives them confidence and autonomy. Its aim is to help those seeking therapy to find their place in society. In contrast, a cult uses the neophytes' desire for well-being, the questioning of their environment, their periods of suffering and the (usually temporary) attachment to the group and to its founder to make them dependent followers. The potential danger of psychotherapy is that the practitioner becomes intoxicated with being idealised by patients and works towards keeping patients attached to this feeling rather than bringing the relationship back to reality when the time is ripe. This kind of danger is latent in some new psychotherapeutical approaches which aim at "improvement" of individuals not suffering from psychological problems or somatic disorders, and which are therefore open to anyone. These practices emphasise the immediate results achieved. Thus there is no longer any need to spend a lot of time reliving past traumas.

Sometimes they develop the notion of self-healing. In addition, with a basis in spiritual movements, they may deem the training of the therapist as being irrelevant, since spirituality can be transmitted by other means. There is then legitimate cause to consider what authorises this kind of behaviour to proclaim itself psychotherapeutic rather than spiritual, and whether this indiscriminating approach does not mislead the potential patient. This therefore means considering the criteria which effectively allow these therapies to become legitimately integrated in the field of psychotherapy and to reflect on the limits of such integration.

To avoid abuse in a profession which has shown its social use by the large number of patients which have recourse to it, a legal framework for training, ground rules and protection of the title are required.

Here the Mission has simply reproduced the drafts and proposed laws produced by psychotherapists who might be able to help the Mission in its fight. Although they comprise extremely varied practices which are part of the very wealth of this profession, it is however possible to ascertain fundamental factors: theoretical knowledge, self-improvement, setting up a specific unique relationship based on respect between the patient and the therapist – all these factors play a part in defining psychotherapy. Although some people believe that the legal practice of psychotherapy can not be based solely on university diplomas, everyone agrees on the importance of a theoretical knowledge of psychopathology, knowledge which could be

governed by a university diploma or by a certificate from a school officially recognised for the quality of its training.

Theoretical training could thus start with this common basis, then continue with specialisation in one of the many schools involved in this discipline. To be complete, it would have to involve initiation into psychotherapeutic practice which, in the opinion of many psychotherapists, would mark the acceptance of new psychotherapists by their peers.

The existence of training, whatever the content and form used, would be an initial fundamental factor in preventing abuse of the title of psychotherapist, and would consequently play a part in protecting the public.

Compliance with a set of ethics, or a code of conduct set up by this professional body, is a second factor which would help in combating abuse. At present, very few psychotherapists belong to a union which, in the absence of any other structural framework, is still the only body regulating the profession. However, complaints sometimes levelled against certain members who belong to a union show the inadequacy of this structure. Nevertheless, the majority of psychotherapists – registered as such in the professional directories – carry out their profession with very extensive independence and freedom, without it being possible for them to be subject to any controls.

It would be feasible to create a kind of order, or federation of associations, diverse enough for all the schools to be included and for which registration would imply acceptance of a code of practice. Failure to comply with the codes of conduct would be sanctioned by warnings, penalties or even exclusion. This body could partly base its code on the code of practice for psychologists, which was set up for reasons similar to those which are today causing concern in the field of psychotherapy. This is, more particularly, in order "*to safeguard users and society from abuses and misuse of psychology*" and "*to define the limits in relation to social demands, by virtue of the demand for the magic resolution of personal problems*".

This suggestion, which has been made by psychotherapists themselves, is at least of equal importance to the former from the point of view of combating cults. The development of cults is all the more dangerous since there is no supervision of them in this sensitive area. The best way to prevent this phenomenon would be setting up supervisory bodies whose major task would be identifying individual psychotherapists or groups criticised for their failure to keep to a code of conduct and to monitor their practices.

Finally, it is necessary to guarantee the patient's rights and to define a type of contract, the mutual acceptance of which would provide for the possibility of recourse, if necessary. This contract could stipulate the nature of the proposed therapeutic process, its approximate duration and cost - either the total cost or the cost per session. We know that the most dangerous violations occur when there are no safeguards.

CASE STUDY

The anthroposophic "galaxy"¹³

¹³ Galaxy: (fig.) *"Whole formed by all those who, closely or at a distance, take part in the same activity "* as opposed to nebula : (fig.) *"Group of heterogeneous elements with imprecise and confused relationships" (Larousse illustré).*

FOREWORD

In its first annual report, the Mission chose to distinguish, among the movements declared to be cults by bodies other than themselves, three categories of groups:

- absolute cults, for which the Mission suggested a definition. Whatever their religious, esoteric or philosophical semblance, these movements argue for a set of counter-values incompatible with the principles of democracy and, in respect of individuals, contrary to human rights as guaranteed under the Declaration of 1789 and several international treaties.
- movements with a philosophical or religious inspiration which have certain sectarian characteristics contrary to democratic values and human rights, particularly in relation of children and social behaviour.
- groups – old or new – which have not been covered by university research and whose opinion, or in some cases the legal enquiry reports, proclaim them to be – at least partially - of a sectarian nature.

The Mission's 1999 report chose to study two cases belonging to the first category.

For 2000, a cultion has been devoted to the study of an organisation or in this case a group of organisations posing raising issues related to the sphere of investment of the interministerial mission for combating cults.

These organisations have varied legal status but what they have in common is that they refer in their deeds of incorporation or in their practices to the thought of Rudolf Steiner (an Austrian polygraph 1861-1925), known as anthroposophy.

In order to effect this study and carry out an autonomous analysis within the framework of the prerogatives of public authority granted to the Mission by the instituting decree of 7 October 1998, the Mission set out a working method comprising five stages:

- 1 – gathering information originating from separate sources, both public and private.
- 2 – analysing the data gathered and comparing it with the texts and documents drawn up or written by the organisations monitored.
- 3 – meeting representatives of the various associations linked to the phenomenon studied in order to inform those in charge of such entities of the Mission's intention (on the understanding that it is impossible to contact all the structures which could be taken into account) and thus offering them the possibility of themselves explaining their final ends, objectives and ideas on the action which they and their members undertake.
- 4 – drafting minutes of these meetings and informing the associations of them so that they can provide the Mission with their comments.¹⁴
- 5 – carrying out the actual case study.

¹⁴ The Minutes of hearings and mail received by from the associations concerned are filed at the Mission and are available for consultation.

The choice of this method is a clear indication that the Mission intends to exercise its role and tasks involving observation, analysis and guidance of State action in its field of intervention, based on all the sources of information available. This is a difficult exercise. The study which has just been completed this year shows that, even with the groups with which it appears possible to conduct dialogue construing words with the same meaning, it may happen that the same term is used with a different meaning depending on whether it is used within the structure or within everyday language.

There are many, varied legal entities, founded on the basis of anthroposophic thought, involved in activity within the country. However, it is possible to categorise these entities under three headings defined in accordance with their type of economic, social or cultural activities:

- Production and marketing of agricultural products declared to "natural" (biological farming, biodynamic agriculture, cooperatives, sales outlets, and so forth).
- The "solidarity" economy: assistance to start-up firms and creation of companies with various interests.
- Social development by means of social housing, education, medicine, health, arts and culture.

There are very few fields in which anthroposophy would not be interested, at least in principle. This implies a functional solidarity which ensures the mental cohesion of the movement and supports its expansion, regardless of the level of autonomy of the movements which use it as a reference.

Is there cause for speaking of an overall strategy? In any event, the banking business of the financial company, "*Nouvelle Economie Fraternelle*" (New Fraternal Economy), a member of the "international anthroposophic banking movement", represents the action of associations and companies based on anthroposophy in the extensive fabric of the social economy and may lead to these entities having links with each other.

The case study involves three aspects of anthroposophy which can be found in France:

- Anthroposophy and "social development": the pedagogical methods in the so-called "Waldorf-Steiner" schools,
- Anthroposophy and "social development": anthroposophic medicine,
- Banking activity, which is the driving force behind a development strategy.

It concludes with general assessments.

Up to now, anthroposophy has very rarely been the subject of academic research in France. However, in addition to representatives of several anthroposophic movements, the Mission wished to hear the views of Dr Badewien, author of "*Waldorfpädagogik-christliche Erziehung?*", *Konstanzer theologische Reden 4*, (1987) and "*Anthroposophie, eine kritische Darstellung*", *Konstanz, Friedrich Bahn*, (1990). It was not able to study the research – probably very well documented – of Pr Paul Ariès, which is due to be published in 2001.

**ANTHROPOSOPHY AND "SOCIAL DEVELOPMENT"
EXAMPLE OF PEDAGOGICAL METHODS USED IN THE
WALDORF-STEINER SCHOOLS IN FRANCE**

The study of the anthroposophic galaxy raises the difficult question of the links between doctrines and social attitudes. In the case of multiple, disparate structures with varying legal statutes and clearly determined professional or social purposes, the only apparent link would appear to be the reference to a "thinker" who died in 1925 after disseminating his doctrine in an unsystematic way by means of a very large number of writings or conference speeches which were diffuse and often repetitive.

When reading this copious body of work, some major questions arise regarding some of his allegations which could imply the promotion of ideas which are elitist or worse, by use of numerous references to blood and race, which could be interpreted as being racist¹⁵. If these opinions were expressed publicly in France today, they could result in legal proceedings under Articles 225.1 et seq. of the Code of criminal law.

This therefore creates a complex problem. Where do we draw the line between analysis of the doctrine and judgement, which is forbidden de facto, on factors which are closer to belief than rationality? Is it possible to interview the present leaders of a movement which has been denounced in a report by a parliamentary enquiry¹⁶ without addressing the core texts which form the basis of these teachings and provide a link to all the groups which claim to be based on anthroposophy?

In practice, is it possible to monitor educational establishments without examining the pedagogical premises and the ethical and doctrinal references of the establishment inspected? Is it possible to confine the study to confirming the application of a specific pedagogy, without posing further questions on the content and the meaning of the terms used, both as generally accepted in our society and as used within the language of the movement?

DOCTRINE AND PEDAGOGICAL BASIS

The biography of Rudolph Steiner reveals the degree to which he was a polygraph, which often appears to be a common feature among the founders and leaders of sectarian groups, as well as humanist thinkers. In the case of pedagogy, it was at the request of one of his friends¹⁷ that R. Steiner started to give conferences in 1919, and this subsequently gave rise to the movement of Waldorf Schools (generally known as Steiner schools in France).

It is very difficult to separate the educational precepts from the works of R. Steiner as a whole. Firstly, this is because he himself sees pedagogy as a seed, as *"seeds sown at the beginning of (a child's) life which remain latent, with an obscure life below the surface of the conscious mind, until the day when they manifest themselves in a striking fashion, often after*

¹⁵ See appendix.

¹⁶ For which the sources of information are under embargo, in accordance with Article 5bis, 2^e paragraph of the General Order of 22 July 1959.

¹⁷ E. Molt, Manager of the Waldorf-Astoria factories.

*many years ...*¹⁸. But what pedagogue is not convinced of the long-term influence of his teaching? What does R. Steiner sow? A concept of man and the universe, a *Weltsanschauung* (in the terms of the time) which many parents would probably be surprised to come across today.

Anthroposophy originated in the theosophy founded by H.P. Blavatsky and Annie Besant. Steiner believed in these teachings from 1902. He distanced himself from them in 1913 due to doctrinal differences, and also – it would seem – for considerations of power. He takes over the essential basis of the theosophical doctrine, basing it more clearly on the central figure of Christ, who is no longer seen as one prophet among others (as is the case for theosophists), but is still far from the Christ figure in the major Christian denominations¹⁹.

Steiner's world view is founded on a new interpretation of the Oriental cycles of reincarnation and, as with the theosophists, a Book revealed to Steiner "in a dream" - the *Chroniques d'Akkacha (The Chronicles of Akkacha)*. According to Steiner, humanity would pass through four stages: mineral, vegetable, cosmic and the "I" phase, which correspond to four bodies (or *karma*): physical, etheric, astral and the "I". The initial aim for teachers is therefore to determine what stage of evolution the children in their care are at, so as to enable them to achieve maximum development at their present stage. This teaching of stages, and the notion of *karma*, is also found in the "*Morgengespruch*" ("Morning Sermon") which the German Protestant theologian Badewien likens to an esoteric prayer, and which was seen in the Sorgues²⁰ school during inspections carried out by the Ministry of Education. It is also found in Steiner's own work: "*basing pedagogy on a purely intellectual observation external to the nature of the child is to build up an inadequate pedagogy*". This observation on the "nature" of the child or adult is also found among anthroposophic doctors.

PEDAGOGICAL PRACTICES BASED ON THIS KIND OF DOCTRINE

Evidently, the worrying finding as concerns teachers, made by the Ministry of Education²¹ can be explained: teachers would not be recruited for their intellectual and pedagogical training, but on the basis of "*their qualifying life course*"²². They should, according to Steiner, influence children by the mastery of their temperament. "*For the young child, up until the end of teething, the entire importance of education lies in the nature of the educator. Then, up to puberty, the essential factor is that the master be an artist capable of moulding life. It is only when the child reaches fourteen or fifteen that its instruction and education require the master to communicate to the child the actual knowledge which he has acquired.*"²³

¹⁸ R. Steiner, *Education des éducateurs* (Educating the Educators). Five conferences held in Stuttgart from 8 to 11 April 1923, 2nd edition, *Editions anthroposophiques romandes*, 1988, 127 pages, p.12.

¹⁹ J. Badewien, *Waldorfpädagogik-eine christliche Erziehung ?*, op. cit.

²⁰ "*bell ringing, lighting candles, prayer with strong naturalist connotations recited together, with arms crossed*". see p.5 of the Report by the Ministry of Education on the Steiner Schools carried out on 14 December 1999, made public on 17 May 2000.

The other inspectors arrived at the schools later, and so do not mention this morning ritual, which may only exist at Sorgues.

²¹ Report by the Ministry of Education on the Steiner Schools carried out on 14 December 1999, made public on 17 May 2000.

²² Meeting at the Mission on 19 October.

²³R. Steiner, op. cit., p.22.

So it is hardly surprising that the inspection report mentioned late development and doubts as to compliance with the Decree of 23 March 1999 on active methods. For Steiner, the child must first imitate, then imagine, and only acquire intellectual knowledge from adolescence.

The educator is no longer a teacher, but someone whose "*profession becomes a vocation, where human nature itself is led towards an awakening to life*".

Nor is it surprising to note the reiterated refusal of State control by all the Waldorf-Steiner schools throughout the world. By definition, one must "*completely separate education from the life of the State and the economy. The social organisation of people taking part in education must not depend on any other power than those who are working in the field. Managing educational establishments and setting up courses and programmes must be the exclusive province of people who are teaching at the same time or have a spirit of productive activity in life. Each of these people would split their time between teaching or another activity which involves spiritual creativity and the management of the educational system*"²⁴. The school becomes an isolated cultural unit, outside of everyday life. This refers back to the thoughts of former pedagogues who believed that in creating an ideal microcosm they would transform the macrocosm and thus create a new man.

How can one possibly be surprised by what seems to have taken aback the inspectors? Eurythmy, simplistic imitation and less developed stages of music which fills the "*I*" karma? Or history seen as a series of myths feeding the imagination?²⁵

In the field of health, the absence of vaccination is also surprising²⁶. Vaccinations cannot act on the real causes of illness, which are often to be found outside the physical body. In order to treat and harmonise the individual's different bodies, anthroposophic medicine – except for allopathy or homoeopathy, use phytotherapy²⁷, and also "*therapeutic painting, modelling, music or curative eurythmy*"²⁸. The latter, curative or not, is strongly questioned in the Ministry of Education's inspection report. The inspectors from the *Direction départementale de l'Action sanitaire et sociale (DDASS) de l'Yonne* state, regarding the *Institut médico-pédagogique (IMP)* that was inspected, that "*the reports made by the psychomotrician practising curative eurythmy are based on a hazy analysis*", and in its conclusion notes concern over the "*probable existence of a system involving biased - or even mystical – pedagogical precepts*"²⁹. In Strasbourg, the inspectors and the doctor who attended a eurythmy session in Class 4 were highly critical: "*...dressed in identical tunics of the same colour, they basically imitated the eurythmy teacher. They were not allowed any initiative... This was without doubt the strangest session we saw*". This report is disputed by the leaders of the Federation of Steiner Schools and the heads of the establishments visited. In Strasbourg, the Headmaster emphasised the "*lack of understanding*" displayed by the inspectors³⁰; this

²⁴ R. Steiner, *L'éducation de l'enfant : un choix de conférences et d'écrits*, (Educating the Child, a selection of speeches and writings) Triades, 1999, 163p., p. 72 (Chapter entitled "For a free school", published in 1919).

²⁵ Report by the Ministry of Education, op. cit.

²⁶ Problems with vaccination seem to exist in all the schools, except for Strasbourg and in the IME at Sorgues. Two schools (Verrières le Buisson and Laboissière-en-Thelle) were not able to provide any medical file on the day of the inspection (Report by the Ministry of Education, op. cit.).

²⁷ Weleda products – Weleda is a Swiss pharmaceuticals group which refers to anthroposophy.

²⁸ Cf. <http://www.edicom.ch/sante/conseils/altern/anthro.html>

²⁹ Report by the Ministry of Education, op. cit.

³⁰ Letter of 9 May 2000 from the Head of the Ecole Michaël to the Schools Inspector.

was also emphasised by Mr Dallé and Mr Dahan, representatives of the Federation of Steiner Schools, in a hearing at the Mission on 19 October 2000.

Questions may also be asked as to the affiliation of teachers. They endlessly repeat that Steiner's doctrine is not taught ("*except in the senior classes*"), but a number of them are members of either the Anthroposophic Society or the "*Communauté des Chrétiens en France*" ("*Christian Community in France*")³¹. The question which then arises is that of the category to which the schools: they are not strictly speaking alternative schools, but scholastic institutions which are linked to a doctrine, anthroposophy. Some parents appear to be unaware of this. The same ignorance can be seen among patients of doctors who practice anthroposophy or refer to anthroposophic "*methodology*" and practice: "*All members of Mercure Fédéral*"³² are forbidden from letting it be known that they belong to an association of anthroposophic doctors". On the other hand, "*transparency applies in the relationship between anthroposophic doctors on the one hand and entities such as anthroposophic pharmacists on the other, including those of the Weleda company.*"³³

³¹ Spiritual association referring to anthroposophy, not recognised by the Christian churches.

³² Association for anthroposophic doctors.

³³ Idem.

ANTHROPOSOLOGY AND "SOCIAL DEVELOPMENT " EXAMPLE OF ANTHROPOSPHIC MEDICINE

Anthroposophic medicine asserts itself as such and is part of a "philosophical and scientific movement" founded by Rudolf Steiner. Doctors who use it and take their inspiration from it have set up associations which united in July 1998 as the "*Mercure fédéral*", an association whose Memorandum and Articles of Association were filed with the sous-prefecture of Palaiseau (91) and registered on 28 July 1998.

The medicine used by anthroposophs is called "sacred traditional medicine" by Claudine Brelet in an article which appeared in the "CELT" revue. It claims to consider the "*whole being*" and its basic tenet is that "*the biopathology and physiology which we are taught in universities today only provide us with a very limited response to questions which we come up against when treating a sick person*"³⁴.

Common medicine is thus defined as often only being "*a science of labelling (seminology), a list comprising three columns: signs, diagnosis and therapy, but nowhere is the personality of the doctor and the patient shared*"³⁵.

Referring to these doctors as "*would-be scientists*", the author considers that they "*have forgotten that people have what no other creature had before them; a spirit, an ego. Thanks to this spirit, man who came from Nature is Nature. Man who came from the sun shines. And man who came from God is God. So all is clear: the doctor understands and learns to follow and control these vital forces in man, and the rhythms which link people to the planets in the universe*"³⁶.

Continuing her description of the way in which anthroposophic doctors regard people, and first and foremost sick people, Claudine Brelet states: "*man belongs to the cosmic community, and more especially the terrestrial community. He does not exist beyond this community. The idea of a microcosm containing the universal macrocosm thus extends into the field of reality, knowledge and consequently into the field of medicine. So there is no real human medicine, but a medicine which applies to the entire universe*"³⁷.

The "*Mercure fédéral*", which is also known as the "*Union des associations médicales anthroposophiques de France*" (Union of Anthroposophic Medical Associations in France), originally comprised five associations. According to its President, it recently took on a sixth association – the Kepler Institute – thus appearing to be both diversified and united around one "line of thought".

Part of an international dimension, the approach of anthroposophic doctors can also be better understood by visiting foreign Web sites. For instance, the Swiss site www.edicom.ch/sante/conseils/altern/anthro.html (updated on 8 November 2000) opens its introduction with the following statement: "*it is as well to state this immediately – anthroposophy, the foundations of which were laid in the early part of the century by Rudolf*

³⁴ *La médecine des anthroposophes* (Anthroposophic medicine) - Revue Celt - Claudine Brelet - page 105

³⁵ idem

³⁶ idem p.106

³⁷ idem p.108

Steiner, is not limited to treating the sick organ. Both a medicine and also a pedagogy, spiritual science, esoteric teaching and applied philosophy, its places man in a larger perspective than just the human body. Under this approach, if the physical body is ill, it must of course be treated. But for anthroposophic doctors, this also involves more subtle bodies, including the etheric body, the astral body and the "I", or human spirit, which includes the first three of these.

The illness usually takes root in the etheric body, the seat of vital forces, and the astral body, the seat of feelings and emotions, before manifesting itself in matter, that is in the flesh-and-blood body. What is involved is therefore restoring harmony to these different bodies so that all, from the most sensitive to the densest, act in unison. This would appear to be both the condition for, and the definition of, good health. In order to achieve this and to act at the various levels, anthroposophic doctors have very diverse methods. For instance, therapeutic painting, modelling, music or curative eurythmy is sometimes an integral part of a treatment".

For the Swiss site creators, anthroposophy should therefore be considered as "one of the five complementary medicines now paid for by health insurers"³⁸.

The current debate at European level, particularly within the European Union requires clarification, in view of the diversity of information on this "philosophy put into practice" and the uncertainty which this may create in public opinion.

From this point of view, the written question submitted by Senator Haenel to the Secretary of State for Health and Social Action throws some light on the French point of view and also, more extensively, the European view.

This question, dating from 10 February 2000, under reference 22731, is as follows:

"Mr Hubert Haenel would draw the attention of the Secretary of State for Health and Social Action to anthroposophic medicine. He notes that this type of medicine is officially recognised by northern European countries – it is already recognised in Scandinavia, the Netherlands and Germany and is likely to soon be recognised in the United Kingdom – where it is practised by some 4,000 doctors; that some anthroposophic medicines have been likened to homoeopathic medicines by European Directive 92/73; that the European Parliament, in its resolution of 27 May 1997, cited anthroposophic medicine as being among the therapeutical methods legally recognised in some Member States and requested that European funds be allocated for a clinical assessment of this medicine. He notes that, in parallel, anthroposophic medicine, which is used by 350 practitioners in France, has been categorised among sectarian movements by the French National Assembly's report entitled "Les cultes et l'argent" ("Cults and money"), which was made public in June 1999. He would therefore like to know the French government's position in respect of this unconventional form of medicine and of homoeopathy in general".

The reply from the Secretary of State, published in the official journal of the Senate on 7 September 2000, reads as follows:

"Anthroposophic medicine (which) is inspired by a mystical, esoteric tradition with Western origins, is not a recognised medical technique and has not been subject to any

³⁸ site internet www.edicom.ch/sante/conseils/altern/anthro.html

official assessment. Nor is it part of unconventional medicines such as homoeopathy for which, in the spirit of the European Parliament's resolution of 27 May 1997 cited by the Honourable Member, France has undertaken certain actions with a view to becoming involved in a process of recognising these medicines, while at the same time taking care to protect patients from major malpractice (charlatanism, cults, etc.) in these fields".

On account of the topicality of anthroposophy, Senator Haenel questioned the Secretary of State for Health and the Handicapped at a meeting on 7 November 2000, clarifying his analysis and questions in respect of, inter alia, the work currently being undertaken by the European Union, in both the Parliament and the Commission.

"Madam Secretary of State, can you clarify your intentions on the subject of official recognition of unconventional medicines, particularly anthroposophic medicine? The factors which you raised in response to a written question which I submitted to you in this respect were actually quasi "esoteric", which is why I am reverting to this matter.

In its resolution of 27 May 1997, the European Parliament notes that recourse by some people in Member States of the Union to unconventional medicines cannot be ignored. On the basis of this acknowledgement, it considers that it is important to grant patients the widest possible freedom of choice of therapies while ensuring that they have the highest level of security, the most accurate information possible on the harmless nature, quality, effectiveness and potential risks of the so-called "unconventional" medicines, and protection against unqualified persons. In the same resolution, the European Parliament requests the Commission to undertake a process of recognition of unconventional medicines and, in particular, to draw up as a matter of priority an in-depth study of the harmless nature, the appropriateness, the scope of application and the complementary and/or alternative nature of each unconventional discipline.

When I submitted my written question on the official recognition of anthroposophic medicine to you, you replied – on 7 September – that this involved a "mystical, esoteric tradition with Western origins" which was not among the conventional medicines for which France had undertaken certain actions with a view to becoming involved in a process of official recognition, in the spirit of the European Parliament's resolution of 27 May 1997.

You added that, in parallel with these actions, you wished to protect patients from malpractice – charlatanism, cults, etc. – which is rife in this field. This was fully consistent with your duties.

Madam Secretary of State, anthroposophic medicine is indeed among the unconventional medicines for which the European Parliament has requested the Commission to undertake in-depth studies.

If you are actually working within the spirit of this resolution, you cannot therefore ignore this medicine. In point 6, the Parliament stipulates that some unconventional medicines have a form of legal recognition in some Member States, more especially anthroposophic medicine. It adds, in point eight, that there have already been developments in legislation, including the introduction of medicines in the pharmacopoeia, and cites the example of anthroposophic medicine in Germany. I am sure you will agree, Madam Secretary of State, that this is far from the description which you gave, of the application of a traditional mystical idea from the West suspected of sectarianism and charlatanism!

Of course, the dual principle of the freedom of patients in choosing the therapy they wish and the freedom of practitioners to exercise their profession implies that it is necessary to guarantee the harmless nature and quality of the cures dispensed, provide suitable training for practitioners, codify their professional status and introduce the remedies of these medicines in the European pharmacopoeia.

In conclusion, our citizens are entitled to know your position, Madam Secretary of State. This position should be clear and determined both in respect of anthroposophic medicine and of the implementation of the studies required for undertaking, if appropriate, a procedure for official recognition of this medicine in France in order to end once and for all the current ambiguities and, in some instances, witch hunts undertaken in certain areas.

Our citizens are entitled to expect the public authorities to take an official stance within the national and European framework ".

The Secretary of State offered the following response and explanations:

"Mr Senator, you draw my attention to the measures taken in France to grant recognition to anthroposophic medicine.

I refute the use of the word "charlatanism", but I maintain that anthroposophic medicine is based on a mystical, esoteric movement with Western origins. It is not a recognised medical technique and it has not been subject to any scientifically validated assessment. Although the European Parliament's resolution of 27 May 1997, to which your question refers, is a first step in the process of recognition of unconventional medicines, it is in the form of a recommendation and does not constitute a form of enforcement. In addition, Directive 92/73/EEC of 22 September 1992 extending the scope of application of the previous Directives concerning the reconciliation of the legislative, regulatory and administrative provisions relating to medicines and setting out additional provisions for homoeopathic medicines, on the basis of which you request recognition of anthroposophic medicine, does not strictly speaking regulate two types of medicine, namely homoeopathic and anthroposophic medicine.

This text limits itself to stipulating, in its introductory points and not in its provisions, that anthroposophic medicines are only to be likened to homoeopathic medicines insofar as they are described in an official pharmacopoeia and prepared in accordance with a homoeopathic method. Far from placing these two types of medication on an equal footing, this statement perfectly illustrates the current limits to the concept of anthroposophic medicine. The French government takes a pragmatic approach to all of these subjects. Consequently, it has already started work on opening up to people who are not doctors the practice of certain techniques which had thus far been reserved for doctors, such as osteopathy and chiropractic. Recognition of anthroposophic medicine is not at present part of its considerations ".

Does an "anthroposophic medicine" exist, or does this not now rather involve a "medical practice" or "medical technique" as the Secretary of State for Health emphasises?

Thus, although the question has been put, recognition has not been granted. For its part, the State Department of Health, and other competent ministerial departments should be able to exercise vigilance in respect of any developments in this particular aspect of anthroposophy.

BANKING BUSINESS, THE DRIVING FORCE FOR A DEVELOPMENT STRATEGY

Links and networks

The question of the links between members of separate entities which are all based on anthroposophy and its founder, Rudolf Steiner, on the one hand, and between legal entities per se on the other, may be approached by considering the final ends and strategic bias of the *Nouvelle Economie Fraternelle (NEF)* (New Fraternal Economy). Some prior explanation would be useful.

The name NEF represents two institutions which are closely linked, according to their founders.

The first is the *Nouvelle Economie Fraternelle*, an association set up in 1979 and defined by its leaders as a "*think tank*".

The second, *Société financière de la NEF (SOFINEF)* (The NEF Finance Company), set up by the association in 1988, is a banking organisation with the legal status of a *société anonyme* affiliated to the *Caisse Centrale de Crédit Coopératif*.

It is defined by its founders as a "*banking organisation based on anthroposophic principles*".

These bodies regularly refer to the thought and writings of Rudolf Steiner, which are at the basis of both the association and the finance company, given their respective economic and social commitments.

In view of this, Article three of the Association's Memorandum and Articles of Association, lodged on 18 March 1979, may be considered as an essential factor in understanding the final aims and strategic choices of SOFINEF, including the field of collecting deposits and the granting of loans:

"The Association's purposes are:

- the study, with a view to its implementation, of the economic, social and cultural thought arising from the impetus provided by Rudolf Steiner;*
- assistance and advice for undertaking philanthropic and social projects of a manifestly charitable nature and seeking the suitable means of funding them;*
- advice in the purpose and use of the funds earmarked for these projects.*

Generally speaking, the Association shall seek to work towards making the circulation and use of money more "moral".

It may undertake any initiative in furtherance of this goal."

According to their own writings, "*the Association and the Finance Company are members of networks and groups of institutions in France and Europe working towards an economy and social structure based on greater solidarity*"³⁹.

The major objective which seems to have driven leaders of the NEF and SOFINEF since 1995 is for the Finance Company to achieve a capital base which would enable it to obtain the status of a fully-fledged banking organisation⁴⁰.

The strategic options made jointly by the two structures aim at opening the capital to "lenders who are not users", sources of funding not directly involved in the "solidarity" plan based on the support of initiatives reflecting the major themes of anthroposophic thought, and tend to diversify the range of "*shareholders and friends, in order to include institutional entities*".

Thus the NEF's articles of incorporation make clear and repeated reference to the notion of "networks". These networks cover entities covered by the names:

- . Steiner movement
- . agriculture
- . ecology and environment
- . financial organisation
- . development
- . cooperative organisations
- . social housing
- . social groups.

Membership of the networks is shown either by reference to the foundations of "*anthroposophic thought*" or by a partnership agreement with the NEF. The NEF could therefore be seen as having a strategy of acting as a federation of all the relevant entities. This network architecture makes it possible to appreciate the place occupied by Steiner's "thought" in the choice of the strategic bias taken within the NEF.

For instance, over the years there has been a significant development in the type and typology of loans granted. Up to 1994-1995, it would appear that priority was given to potential borrowers who were members of, or heavily involved in, structures directly or indirectly referring to anthroposophy. Subsequently, the inclusion of new organisations in the "NEF network" seems to have brought about a change in areas such as the allocation of loans, without the initial ends being abandoned or at least reoriented.

The "*Steiner movement*" is still the key factor in strategic development. The NEF thus appears to be the federator of initiatives inspired by the movement which is head of the network. Projects are shared by institutional capital providers, whose members can become new borrowers and associations introducing the original project.

In parallel, it has emerged that the essential bases for spreading anthroposophic thought, including education and biological farming, are attracting increased attention, especially since the publication of the report by the Parliamentary Commission of Enquiry on

³⁹ "*Pour que l'argent relie les hommes*" (That money may link people) (brochure edited by *la Nouvelle Economie Fraternelle*) - Part I: "*Qu'est-ce que la NEF ?*" (What is the NEF?).

⁴⁰ This request appears to have been turned down.

"the financial and fiscal assets of cults and their economic activities and their relationship with the economic and financial spheres"⁴¹.

The context of rapid development, aiming to provide "the solidarity economy" with a fully-fledged, autonomous banking instrument based on the principles of Rudolf Steiner, would suggest that the theories of the founder of anthroposophy are no longer the only reference for those who give undertakings within the framework of activities which receive financial support from the NEF.

For instance, in a "letter to members" in January 1999, the President of the NEF association stated that: *"the reference to the precepts of Steiner has not lost any of its historic justification even though it no longer has the same meaning for all members of the association, whose base has become broader and more diversified. The major initiative undertaken to achieve the association's objective was the creation of the finance company of the NEF. It was essentially through this company that it became possible from 1989 onwards to genuinely implement the transparent circulation of money and that it was possible to assist and fund many projects falling within the fields of action initially chosen"*.

The author of this article then considers the question of the dissolution of the association, an assumption which both the leaders of the association and for those (often the same) of the finance company must consider, following a 1998 ruling by the Ministry of the Economy and Finance, which sets out the terms on which associations may retain a "non profit-making" status. This ruling precludes the presence of the President of the association and that of the Chairman and General Manager of the finance company on the association's Board..

The said Board considered this question in 1999. In the event of dissolution, the President of the association considered that *"some of the functions of the association could be taken on within the future bank, but in any event there would remain the function of raising funds through gifts"⁴², which requires a "trust-style" structure, and thus an association."*

Thus the doctrine of anthroposophy should continue to form the basis of the actions undertaken under the auspices of SOFINEF through its network, with particular reference to creating or taking over companies on the one hand, and social reinsertion on the other hand.

In practice, the resolutions of the most recent General Meetings support the preservation of the founding principles by confirmation or election of anthroposophic managers in SOFINEF, when re-electing members of the management bodies.

It is likely, as is suggested by a manager of NEF in a written reply⁴³, that five of the eight members of the Supervisory Board of NEF will have no personal links with the anthroposophic line of thought. According to the documents sent to the Mission, members of the Management Board and the Supervisory Board of NEF could, simultaneously, be

⁴¹ French National Assembly, June 1999.

⁴² Money from donations or gifts is one of the three types of money defined by Steiner in *"Pour que l'argent relie les hommes"* (chapter 5 *"Sources d'inspiration"* - c-*"les trois natures de l'argent"* – *Sources of inspiration – c- three types of money*).

⁴³ The *"Vrai Papier Journal"* of September 2000

members of the "*Communauté des Chrétiens en France*" or have family links with members of the Anthroposophic Society or the "*Communauté des Chrétiens*".

This politically controlled development appears to be part of broader developments at a European or even a global level. SOFINEF's ambition at this stage of its development is to join up with banking institutions with an anthroposophic inspiration or doctrine which have been practising in other European countries for several years - "*Die Gemeinschaftsbank*" in Germany, "*De Triodosbank*" in the Netherlands, "Mercury" in the UK and the "*Banque Communautaire Libre*" in Belgium, which are involved in the field of "*alternative policies*".

Is this a fortuitous state of affairs? It may also be viewed as the result of a strategic desire to officially partition different yet similar structures.

It would appear that the aim of the recent developments in SOFINEF is to grant more autonomy to projects initiated by all of the organisations and legal entities with which it has links. Documents received by the Mission show that individuals or corporate entities associated with certain actions of the various organisations which are members of the "*networks*" do not have an in-depth knowledge of the strategies and actions adopted by the finance company in financial and banking affairs.

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GENERAL CONCLUSION TO THE CASE STUDY

At the end of this first study on a movement not relating to the first two bodies of associations, as defined in the Mission's 1999 report, let us again quote a commentator influenced by, if not on a mission for, anthroposophy.

*"Anthroposophy, a spiritual science developed by Rudolf Steiner in the early part of the 20th century, opens the way to a profound perception and understanding of the principles guiding human beings and nature on the one hand, and actions inspired by this perception on the other. The various developments include the Steiner schools, the biodynamic culture, scientific actions inspired by social issues, and anthroposophic medicine and pharmacies"*⁴⁴.

These words are extremely important: here we are concerned with a movement which presents itself as a "spiritual science" and results in many types of action undertaken by individuals and corporate entities in the most diverse fields. These developments are evidently supported by a banking arm which wishes to be autonomous, if not independent.

The practical implications of these forms of action are visible. But are they transparent?

It would seem essential for the public authorities to maintain a policy of active monitoring and coordinated checks, taking into account the broad range of entities acting within the context of anthroposophy. Furthermore, future academic research, both in France

⁴⁴ cdcp.free.fr/dossiers/anthrodef/anthro-f.htm.

and in other countries where anthroposophy, a polymorphous movement, is set up in diverse forms, should also be closely monitored.

APPENDICES

APPENDICES

Recommendation of the National Consultative Committee on Human Rights

Preamble of the Charter of Fundamental Rights of the European Union

Resolution n°32 of the European Parliament

Recommendation n°1412 of the Council of Europe

Regarding the written material in question

FRENCH REPUBLIC
National Consultative Committee on Human Rights

**RECOMMENDATION ON THE BILL FOR FURTHER PREVENTION AND
COUNTER MEASURES AGAINST GROUPS ENGAGING IN SECTARIAN
ACTIVITY**

(adopted during the plenary session of 21 September 2000)

The National Consultative Committee on Human Rights refers to its recommendations dated 10 December 1993, in response to the problems arising from the phenomenon known as the cults.

Further to the hearings that it has conducted and the details provided by the relevant ministries, it has found an improvement in awareness, preventive action and prosecution. However the problem has not been resolved owing to the difficulty of producing conclusive evidence. The current urgency of this issue requires further progress, hence the bill that was voted on a first reading in the National Assembly on 22 June 2000.

On 24 July 2000, the Minister of Justice approached the National Consultative Committee on Human Rights regarding article 9 of the bill, which included an offence defined as “psychological manipulation”, requesting an opinion on the enforcement of this text from a human rights perspective.

The National Consultative Committee on Human Rights stated that belonging to “a group whose main purpose is to create or exploit psychological and physical dependency among the individuals who participate in its activities” does not fall under the provisions of article 9 of the bill: this is consistent with fundamental freedom of thought, conscience and religion.

The Committee, fully aware of the need to improve the coordination of legal proceedings against sectarian practices, stated that Article 313-4 of the Penal Code contains many provisions ensuring prosecution for offences arising from the ignorance or weakness which typify the condition of victims of sectarian practices.

It recommends further provisions as follows:

1 – this article should be incorporated into the Penal Code in order to extend beyond acts involving prejudice to material goods.

2 – punishment should be more severe in cases involving offenders who are either de facto or legally in charge of a sectarian group within which the offence has been committed, in order to create or exploit psychological or physical dependency among the individuals involved in these activities.

3 – definition of the responsibility of a legal entity

In view of the above, the definition of a specific offence known as “psychological manipulation” does not appear to be appropriate.

CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

PREAMBLE

The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.

Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.

The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; it seeks to promote balanced and sustainable development and ensures free movement of persons, goods, services and capital, and the freedom of establishment.

To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter.

This Charter reaffirms, with due regard for the powers and tasks of the Community and the Union and the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Community and by the Council of Europe and the case law of the Court of Justice of the European Communities and of the European Court of Human Rights.

Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations.

- EUROPEAN PARLIAMENT -

**RESOLUTIONS ON OBSERVANCE
OF HUMAN RIGHTS WITHIN THE EUROPEAN UNION**
(Commission on public freedom and internal affairs)

1996 Resolution / adopted on 17 February 1998 / n°134

1997 Resolution / adopted on 17 December 1998 / n° 32

“urges the member States to take action, in keeping with the principles of the rule of law, in order to prevent violation of individual rights by certain cults which should not be granted the status of a religious or cultural organisation that provides them with tax breaks and some degree of legal protection.”

COUNCIL OF EUROPE

Parliamentary Assembly

RECOMMENDATION 1412 (1999)¹

Illegal activities of cults

(Extract from the Official Gazette of the Council of Europe – June 1999)

1. The Assembly recalls its Recommendation 1178 (1992) on cults and new religious movements, in which it considered that major legislation on cults was undesirable on the grounds that such legislation might well interfere with the freedom of conscience and religion guaranteed by Article 9 of the European Convention on Human Rights as well as harm traditional religions.
2. The Assembly reaffirms its commitment to freedom of conscience and religion. It recognises religious pluralism as a natural consequence of freedom of religion. It regards state neutrality and equal protection before the law as fundamental safeguards against any form of discrimination and therefore calls upon state authorities to refrain from taking measures based on a value judgement concerning beliefs.
3. In Recommendation 1178 (1992), it simply recommended that the Committee of Ministers take measures to inform and educate young people and the general public and requested that corporate status be granted to all cults and new religious movements which had been registered.
4. Since that recommendation was adopted, a number of serious incidents have taken place which have prompted the Assembly to study the phenomenon once again.
5. The Assembly has come to the conclusion that it is unnecessary to define what constitutes a cult or to decide whether it is a religion or not. However, there is some concern about groups that are thought of as cults, whatever religious, esoteric or spiritual description they adopt, and this needs to be taken into account.
6. On the other hand, it takes the view that it is essential to ensure that the activities of these groups, be they of a religious, esoteric or spiritual nature, are in keeping with the principles of our democratic societies and, in particular, with the provisions of Article 9 of the European Convention on Human Rights, as well as being legal.

¹ Assembly debate on 22 June 1999 (18th Sitting) (see Doc. 8373, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Năstase, Doc. 8379; opinion of the Social, Health and Family Affairs Committee, rapporteur: Mr Hegyi; and Doc. 8383, opinion of the Committee on Culture and Education, rapporteur: Mr de Puig).

Text adopted by the Assembly on 22 June 1999 (18th Sitting).

7. It is of prime importance to have reliable information on these groups that emanates neither exclusively from the cults themselves nor from associations set up to defend the victims of cults, and to circulate it widely among the general public, once those concerned have had the chance to comment on the objectivity of such information.

8. The Assembly reiterates the need to include specific information on the history and philosophy of important schools of thought and of religion in academic curricula, especially those for teenagers.

9. The Assembly attaches great importance to protecting those most vulnerable, and particularly the children of members of religious, esoteric or spiritual groups, in case of ill-treatment, rape, neglect, indoctrination through brainwashing and non-enrolment at school, which makes it impossible for welfare services to exercise supervision.

10. Therefore, the Assembly calls on the governments of member states:

- i. where necessary, to set up or support independent national or regional information centres on groups of a religious, esoteric or spiritual nature;
- ii. to include information on the history and philosophy of important schools of thought and of religion in general school curricula;
- iii. to use the normal procedures of criminal and civil law against illegal practices carried out in the name of groups of a religious, esoteric or spiritual nature;
- iv. to ensure that legislation on the obligation to enrol children at school is rigorously applied, and that appropriate authorities intervene in the event of non-compliance;
- v. where necessary, to encourage the setting-up of non-governmental organisations for the victims, or the families of victims, of religious, esoteric or spiritual groups, particularly in eastern and central European countries;
- vi. to encourage an approach to religious groups which will bring about understanding, tolerance, dialogue and resolution of conflicts;
- vii. to take firm steps against any action which is discriminatory or which marginalises religious or spiritual minority groups.

11. Furthermore, the Assembly recommends that the Committee of Ministers:

- i. where necessary, provide for specific action to set up information centres on groups of a religious, esoteric or spiritual nature in the countries of central and eastern Europe in its aid programmes for those countries;
- ii. set up a European observatory on groups of a religious, esoteric or spiritual nature to make it easier for national centres to exchange information.

REGARDING THE WRITTEN MATERIAL IN QUESTION

Several of Rudolf Steiner's works contained highly questionable assertions.

Other authors who wrote during the same period, professed similar opinions. Their works were not republished, whereas R. Steiner's works have been republished on many occasions in recent years, particularly in Switzerland. We have included the following examples:

(R. Steiner places the continents on a line which bears the shape of a horse shoe, lying horizontally and open to the left. Europe forms the upper tip, Africa is the lower tip and Asia is to be found on the rounded culition of the curve to the right.)

"The tip in Africa represents the strengths which mark the early childhood of man, the Asian tip symbolises the signs of youth; the point representing Europe shows the signs of maturity. (...) no race is underprivileged, as all men are incarnated in the different races during the course of their successive lives. (...) The Indian nation in America died because it had to bear the forces that pushed it towards extinction (as it was situated to the West of Europe – authors' comment) and not because this suited the Europeans."

Steiner, Rudolf. *The souls of nations: the mission of the souls of some nations in relation to German-Nordic mythology. Paris, republished by Triades, 1973. 154 pages.*

"I recently went to Basel and came across ... a Negro novel which clearly illustrates the gradual penetration of contemporary European civilisation by African civilisation...I am convinced that Negro novels are still being published and are given as reading matter to expectant mothers in the early stages of their pregnancy – if we provide them with Negro novels, there is no need whatsoever for blacks to come to Europe in order to produce half-castes; the spiritual impact of this type of reading matter will spawn a large number of European children with a grey complexion who will have the curly hair and appearance of half-castes".

Steiner, Rudolf. *Health and illness: premises of a study on the senses using the methods of spiritual science. Geneva: Editions anthroposophiques romandes, republished 1989.*

A commission established in order to analyse "anthroposophy and racial issues" met in the Netherlands in April 2000 in order to discuss the problem arising from various allegations made by Rudolf Steiner. It reiterated the findings of its preliminary report in February 1998, according to which Rudolf Steiner's works do not contain any "racial doctrine or statement intended to insult individuals, or groups of individuals on account of their race, which could be qualified as racist".

However the commission also concluded that “ *sixteen excerpts taken out of context in public by an individual, could constitute a violation of legislation prohibiting racial discrimination in the Netherlands*”.

The soundness of the conclusions of this commission is questionable as they were drawn by the Dutch Anthroposophical Society rather than an independent body.