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# Brainwashed or Converted?

by Lowell D. Streiker

Lowell D. Streiker is a writer and consultant in Foster City, California, and the former executive director of Freedom counseling Center, an agency assisting individuals and families disturbed by cults. This article appeared in the *Christian Century*, August 2-9, 1989. Copyright by the Christian Century Foundation and used by permission. Current articles and

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Both superior and appellate courts earlier granted summary judgment for the church. Neither wanted to have to distinguish between religious conversion and brainwashing. Molko and Leal appealed, and in October 1988 the California Supreme Court ruled six to one that the two have the right to a jury trial.

The California decision was appealed to the U.S. Supreme Court, which, in denying the appeal, chose to ignore the, amicus brief filed on behalf of the Unification Church by the Society for the Scientific Study of Religion, the American Sociological Association and 50 major theologians, church historians, sociologists and psychologists of religion, and other scholars. An additional amicus brief in support of the church was filed by the National Council of Churches, the American Baptist Churches in the U.S.A., the Catholic League for Religious and Civil Rights, and the stated clerk of the General Assembly of the Presbyterian Church (U.S.A.)

Why are these major organizations and scholars, many of whom have been critical of the methods of the Unification Church, defending the "Moonies"?

Because for the first time a major court has accepted the argument that religious indoctrination can cause potential converts to lose the free exercise of their will, and that persons so influenced can sue for damages. In its ruling in favor of Molko and Leal's right to sue, the California Supreme Court uncritically endorsed the brainwashing theory of psychologist Margaret Singer and psychiatrist Samuel Benson -- even though this theory has virtually no support outside the American anticult movement. The court's ruling undermines the freedom of religion, restricts the freedom of association, contradicts the clear facts of the case and espouses radical notions of the nature of religious conversion.

Molko and Leal contend that members of the Unification Church knowingly misrepresented the church's identity with the intent to induce them to associate with and ultimately become members of the church. They further contend that they justifiably relied on those representations in unwittingly agreeing to participate in church activities by means of which they were brainwashed into becoming members of the church, and that they suffered psychological and financial damage.

In support of their theory, Molko and Leal introduced as witnesses Singer and Benson, who contended that Molko and Leal had been subjected to a sophisticated program of coercive persuasion which had rendered them incapable of freely joining the church. Singer has offered the theory of

"systematic manipulation of social influences" or "thought reform" in numerous other cases brought against the Unification Church as well as the Church of Scientology, Transcendental Meditation, the Local Church, the International Society for Krishna Consciousness, various awareness training groups, and even the Snap-On Tool Corporation.

Earlier the superior and appellate courts rejected Singer's and Benson's testimony on constitutional grounds, evidentiary grounds (it conflicted with the plaintiffs' own testimony) and logical grounds. In the words of the superior court, Singer and Benson "seem to have reasoned backward" from their disapproval of the church's methods of conversion "to the conclusion that plaintiffs were not thinking freely because they were persuaded by them."

But the California Supreme Court has taken the position that the misrepresentations claimed by the plaintiffs did induce them to participate in activities designed to win their adherence to and involvement in the church. The heart of the Molko-Leal claim is that by the time the church disclosed its true identity, it had rendered them incapable of deciding not to join. Paradoxically, the court has ruled that although the concept of brainwashing in the absence of coercion is highly controversial, the factual question remains: were Molko and Leal, who were not subjected to actual coercion, brainwashed?

The original trial court and the court of appeals ruled the Singer-Benson testimony inadmissible on the grounds that their testimony conflicted with that of Molko and Leal (Molko and Leal said they had joined the church because it satisfied their personal concerns and anxieties; Singer and Benson said it was because they had been deceived) The California Supreme Court saw no conflict here. After all, it reasoned, brainwashing amplifies an individual's concerns and then provides the means of satisfying them. The court's argument seems to be that if you do something you want to do because someone urges you to do it, you have not acted freely.

There is no question as to the religious zeal that guided the recruiters. They believed they were doing the will of God and benefiting Molko and Leal by giving them the opportunity to hear the church's teachings. While one may find their means morally objectionable, their actions were sincere and religiously motivated. If we ask a jury to decide if these actions were right or wrong, are we not asking them to pass judgment on the validity of the recruiters' faith? The California Supreme Court says No -- the issue is the church's conduct, its "practice of misrepresenting or concealing its identity in order to bring unsuspecting outsiders into its highly structured environment."

Does holding the church liable for fraudulent recruiting practices impose any burden on the free exercise of the Unification Church's religion? Yes, says the court, but the burdens, "while real, are not substantial." The court says that the Unification Church may do anything it wants to do, but it may not step on the truth while seeking recruits. While I agree with the court on moral grounds -- it is always wrong to mislead potential recruits about the religious nature or identity of the recruiters' group -- I cannot follow their legal argument.

For it is one thing when a person knowingly and voluntarily submits to a process involving coercive influence, as a novice does on entering a monastery or a seminary... But it is quite another when a person is subjected to coercive persuasion without his knowledge or consent. While some individuals who experience coercive persuasion emerge unscathed, many others develop serious and sometimes irreversible physical and psychiatric disorders, up to and including schizophrenia, self-mutilation, and suicide.

According to this statement, there are two kinds of influence: good (informed) and evil (deceptive). But the very language of the court's declaration is loaded with a host of unsubstantial assumptions. What is the difference between coercive persuasion and coercive influence? Can there be "coercive influence" when there is no coercion? Doesn't even good coercive influence yield its share of atrocities, including "serious and sometimes irreversible physical and psychiatric disorders, up to and including schizophrenia, self-mutilation, and suicide"? Graduate programs in law, medicine and religion yield such casualties. Cloistered monks and nuns are not immune to psychological emergencies. Conversely, haven't the conversions of thousands (some would say millions) to religious groups, even when such conversions were based in part on the deceptive practices of the recruiters, produced positive results? Again and again, I have witnessed, even in groups whose recruitment techniques I cannot sanction, evidence of character development, impulse control and self-respect. To overlook the positive aspects of conversion, as the court has done, is misleading.

The major problem with labeling Molko and Leal's conversion as "coercive persuasion," thought reform or brainwashing is that once such pejorative labels have been affixed to conversion, this church or any other is fair game for claims of damages. Indeed, says Justice Carl West Anderson, the lone dissenter in the California opinion, it is not the business of the court to scrutinize religious conversion, regardless of the methods used. He is convinced that it is impossible to examine conversion without questioning religious faith -- an area of scrutiny forbidden by the First Amendment. Further, Anderson argues, brainwashing can occur only if there is physical force or threat. The techniques used on Molko and Leal -- songs, prayers, lectures and demonstrations of affection -- are legitimate means of indoctrination, commonly used by religious and other groups. While they may be objected to on grounds of personal taste, they constitute no threat to society.

In their zeal to convert others, adherents of many religions -- mainstream faiths as well as new sects -- have resorted to "exaggeration, vilification, and even to false statements." That, Anderson suggests, is the price we pay for our essential liberties. By creating this new tort liability, the court seems to be creating a new social policy restricting religious freedom. By his sharp dissent, Anderson indicates he would be happier if the court would merely interpret existing statutes and leave it to the legislature to codify social policy into law.

As to Molko's gift of \$6,000, Anderson argues that this was a freely made donation, motivated by a then-held religious belief. Molko's own testimony makes clear that he made the gift "after careful consideration and consultation." To declare that the gift was improperly motivated is to question the validity of his former religious convictions, and thus to make the court stand in judgment of his beliefs.

A second problem besetting the brainwashing-versus-conversion issue is that the court has given tacit approval to deprogramming. In the hands of deconversion agents and the expert witnesses who support their cause, there is, by definition, only one "free" choice that converts can make -- they can choose to do what their parents want them to do. They can "freely" abandon their newfound faith and bring lawsuits for damages that are so vague and private that they cannot be detected by any normal psychological testing or psychiatric determinations.

In the Molko and Leal case, the court maintained that the state had "a compelling interest in protecting the family institution." The cult and sect conversions of the 1970s and '80s have occurred as the traditional family of prior decades was on the verge of becoming an endangered species. Destructive cultism has become a scapegoat. Much of the attack on cults is merely a reaction to all

that is novel and unconventional, particularly as it pertains to family life. Such family-threatening developments as the high divorce rate, the influx of mothers in the workplace, geographic mobility, drug and alcohol abuse and child abuse cannot readily be combated directly; conversion to an unacceptable religion or cause can be.

Anticult parents see their offspring's conversion as a repudiation of blood ties, career expectations, parental sacrifices and family values. It is hard enough for parents when an adult son or daughter goes off to college or the armed forces. When that son or daughter chooses to be the disciple of a media-maligned "brainwashing" cult, the parent often responds with confusion, heartbreak and rage. The anticult movement's perception of converts as mindless robots who have been deprived of their free will through powerful techniques of mind control makes someone other than the recruits and their parents responsible.

When differences of opinion and lifestyle set parent and adult offspring against one another, there is usually nothing parents can do but shake their heads, communicate their complaints to one another and wait. (Since the attrition rate from new religious movements is about 75 percent in the two years following conversions, this would seem an intelligent response.) But deprogrammers present a quicker method of restoring the wayward son or daughter. Further, the anticult movement's position, like that of the witch-hunters of the 1690s or McCarthy in the 1950s, is supported by powerful negative images -- the Manson family murders on 1969, Patty Hearst's conversion to the SLA in 1974, and the mass murder-suicide of nearly 1,000 men, women and children in Jonestown in 1978. Not only does the anticult movement give parents a point of view that makes them totally right and their wayward children completely wrong, but it provides an ideology which explains why their children are wrong, excuses their children of culpability and offers a form of intervention to restore the children to their right minds.

The few expert witnesses of the anticult movement are well outside the mainstream of their professions, and their theories about thought reform in the absence of physical coercion find no support in the scientific community. The alleged "sophisticated techniques of thought reform" about which they warn us are, in fact, the ordinary means of persuasion and social influence which are freely used by established religions, civic organizations, political parties, salespeople, the media and advertisers. If it were as easy to deprive individuals of their free will and retain them as zealous participants as the anticult movement's experts suggest, every man, woman or child would long since have succumbed to the siren call of the so-called cults.

In the words of psychiatrist Thomas Szasz, "A person can no more wash another's brain with . . . conversation than he can make him bleed with a cutting remark." "Brainwashing" is a metaphor which stands, says Szasz, for "one of the most universal human experiences, namely for one-person influencing another." Why do we not call all "forms of influence by this name? Szasz says, "We reserve this term for influences of which we disapprove."

Not everything done by new religious movements is honorable and not every criticism of them is ill-founded. On the basis of my work as a counselor of more than 2,000 families disturbed by the conversion of loved ones to cults, sects and other forms of passionate devotion, I could recount numerous stories of unethical behavior, manipulation, neglect, abuse and outright chicanery. Personal liberty is dangerous. But the alternative to freedom of speech, freedom of association and freedom of religion is the enforced conformity of the totalitarian state.

I would rather risk the consequences of autonomy -- as painful as they may be -- than sanction the courts or mental health professionals to protect me from my own enthusiasms. And I do not want jury to tell me whether my religious experience is based on conversion or brainwashing any more than I want my plumber to determine whether "holy week" is really holy. In its zeal to guard society against the controversial methods of a malignant church, the California Supreme Court has endangered our basic freedoms.