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Religious Liberty In Germany Now

How the Public Debate on Sects has affected the Religious Liberty in Germany

In 1996, the German Federal Parliament - under pressure from the media and from the large, established churches - followed a request from the Social Democratic Party and formed an Inquiry Commission for the purpose of examining the alleged dangers that the "socalled sects and psycho groups" might represent. Two years later, on June the 19th 1998, the Commission handed over to the Parliament its voluminous final report, to which some minority reports and external expert opinions were further added.

Already in 1994 the Social Democratic Party announced that it would take initiatives in all German Federal States for the formation of an "Association of Citizens Against Totalitarian Organizations", organizations which they considered equal to "Sects and psycho groups". In 1995 there were discussions of the possible political consequences, the possibilities of prosecution by law and the possibility of withdrawing parental custody from parents belonging to such groups. Such measures were often mentioned publicly in interviews and press conferences by Mrs. Renate Rennebach, who is a member of the Social Democratic Party and of the Synod of the Evangelical Church, and who had taken the initiative in setting up the Inquiry Commission.

The very expression "Socalled Sects and Psycho Groups", which occurred in the name of the Commission, but especially its makeup - how it was put together from politicians and experts who more or less represented the large, established churches or had even closer relationships with them - brought it to the edge of constitutional acceptability. The charge that several Commission members were prejudiced was easy to document, seeing that around two thirds of them, especially among its experts, were already known by the public as "sect opposers".

The very work methods of the Commission were controversial right from the start. Already in its interim report (June 1997) it was shown in a minority opinion by the party Bündnis 90 / The Green that there hardly exist any results from empirical studies in Germany about new religious movements on which the Commission could base any work. The majority of the scientific studies of new religious denominations have been published in America and Britain. On one hand, the Commission's majority critically pointed out that such research results could not be applied to social conditions in Germany; but on the other hand they mentioned concepts that specifically belong to Anglo-American anti-cult movements (for example 'brainwashing' and 'deprogramming') and used them as adequate concepts. Instead of using scientific empirical research as its source of facts, the Commission's majority used one-sided reports from the media, sensational writings and dropout literature with a journalistic touch, or apologetic statements from the sect commissioners of the established churches.

In the face of this, the minority within the Commission - Dr. Angelika Köster-Lossach, Member of Parliament for Bündnis 90 / The Green, and Professor Dr. Hubert Seiwert from the University of Leipzig - endeavoured to counteract the deficiency by calling in external experts for certain problem fields. But since these did not come up with the negative research results that the Commission majority desired to see, they were only taken into account in the final report in the minority statement by the Bündnis 90 / The Green (in June

1998), whereas they were widely ignored in the main part of the final report for which the three other parties were responsible.

The somewhat diffuse term "psycho groups" eventually evaded any final judging. In order to deal with the term anyway, the Commission finally decided to define Scientology as a psycho group (cf. Minority statement, p. 39).

The examination of the dangers allegedly represented by "sects and psycho groups", necessitated the study of general problems like family breakdown, youth crime, drug addiction and right extremism in an overall social context. Since only 0.7 percent of the total population is involved in this matter, it is clearly seen that disproportionate resources - and questionable methods - have been taken into use to deal with a problem which belongs to the periphery of social life.

There has been a noticeable determination on the part of the established churches to maintain and further establish their monopoly status in the State. On behalf of the churches, there had for decades been "sect commissioners" who endeavoured, through apologetics and disinformation and other questionable means, to hinder the steadily growing multiplicity of religious communities in Germany. The established churches have for decades been the driving force behind the sect debate in Germany and have wielded their influence over State institutions and the media. Through their intensive participation in the public discussion, to the point of participating as "experts" in the Inquiry Commission, the established churches have, for their own advantage, made full use of the position of privilege they enjoy in relation to the State. Doing so they have, however, contributed even more to the ongoing secularization of the society, which is the actual reason behind the decline of the "national churches" ("Volkskirchen"), because in the conclusions of the Inquiry Commission (and similar commissions in Europe) it was presented as an unavoidable fact that the religious plurality would mean constitutional claims from all religious communities for legal and actual equality in the modern secular society, and so this was further impressed upon the mind of the public.

The public pressure has given rise to concern among a number of citizens who belong to religious communities outside the large, established churches and has shaken their confidence in the constitutionally guaranteed religious liberty in a State which seems openly to favour its established churches in their claims for a monopoly of religion.

At the same time, this pressure has led to a strengthening of the self-identity and solidarity within such religious communities; they no longer hesitate to take on a legal confrontation if necessary in order to defend their constitutional freedom of belief and religion.

The Inquiry Commission was initially set up as a result of the debate about Scientology as an allegedly extremely dangerous "political-extremist organisation or sect" whose objective was an already far advanced attempt at gaining a hold on politics and economy. In addition to this, politicians especially from the Social Democratic Party and the Christian Democratic Union declared from 1994 that they saw an urgent need for action to uphold Germany's democracy.

In the wake of the public debate on Scientology, the "black list" was extended to include other "destructive sects and psycho cults" that were claimed to be equally dangerous. While the attention was initially on new religions, the sect commissioners of the churches have since the early 1990's directed the public's attention to other, equally dangerous Christian denominations outside the large churches. Strikingly, they were especially critical against denominations which had success with their mission and whose membership rose in the same proportion as the old, established churches declined. Among these were religious groups that have been known in Germany for a century, like the Mormons,

Jehovah's Witnesses, the New Apostolic Church, the Pentecostal churches and the Christian charismatic churches. Thus, the field of the "sects that represent a danger for the society and the individual" continues to widen. And Scientology was used as the "Trojan horse" to make it possible to intervene against a multitude of other religious minorities in Germany.

During the two-year work of the Commission, Scientology was used as the most important negative example in the sect debate. This was emphasized in June 1997, when the Minister of the Interior decided to put Scientology under special observation by the constitution protection authorities for one year. It was also apparent from the difficulties in deciding whether Scientology was a "socalled sect", a "psycho group" or a "political extremist organization". In the case of the latter, the Commission would neither be competent to judge nor to recommend any course of action. But this would take away the most important justification for the setting up of the Commission, so it decided instead to use the label "psycho group". This not only offended the self-understanding of Scientology, but also disregarded the judgement of the majority of the religious scientists who deal scientifically with the new religious movements.

In its minority opinion, the Bündnis 90 / The Green questions the political benefit of putting Scientology under observation by the Constitution Protection Authorities and points to some possible political risks from doing so. Information that had been presented to the Joint Conference of Ministers of the Interior with regard to this decision was not made available to the Commission (Interim Report 1997. p. 39-42).

In the Parliamentary debate about the Interim Report (Sept. 26, 1997), Renate Rennebach of the Social Democratic Party now emphasized that the Inquiry Commission certainly was not a Commission for "Scientology Inquiry". Mr. Roland Kohn from the Liberal Party (FDP) spoke about Scientology as a "special case"; the American criticism of Germany he explained with "their difference in the judgement of the dangers which the Scientology organization might represent". While the United States have an uninterrupted history of a free constitution, Germany's history in this century has been marked by an unjust, totalitarian rule during the National Socialism and by a communistic regime in a part of Germany.

In the conclusion, the Scientology problem (which is widely seen as the actual reason why the Commission was set up at all) was settled. In order to reach any evaluation, Scientology was declared to be a "special case". The Commission further concludes: "The sects and psycho groups do not represent any danger to the State." But still, there exist groups with potential for problems and conflicts. For this reason it is necessary to observe these by means of special institutions established by the State, to give information and if necessary give warnings. So, the final report of the Inquiry Commission, which was finished on May the 29th, 1998, does not contribute much toward objectivity.

In addition to the minority statement given by Bündnis 90 / The Green - who had already made its own statements at the time of the Interim Report in 1997 - the other fraction were not in "full agreement" as it was claimed in the joint press statement given when the Final Report was released. There were also differences in the evaluation of the research results among the party fractions of the Social Democratic Party, the Christian Democratic Union and the Free Democratic Party, which became clear in the press statements from the individual fractions.

The most important question remains: Was the establishment of an Inquiry Commission in order to examine religious communities in harmony with the Constitution in the first place?

It is possible that the question of the religious liberty guaranteed by law in Germany will have constitutional repercussions.

The question of a division between Church and State has gained renewed importance in the public debate. And the use of "socalled sect commissioners" by State and Churches will in future have to be viewed more critically and questioned further.

Since the Green party has now been included as a coalition partner in the Government in Germany, it is possible that the future will see positive developments in the religious liberty in Germany.

How Jehovah's Witnesses Are Affected

The Christian denomination of Jehovah's Witnesses is among the groups that have been objects of the recent debate and have also been in the searchlight of the Inquiry Commission. How have they been affected by the climate as it is in Germany now and by the winds that blow?

Until the reunification of Germany in 1990, Jehovah's Witnesses were viewed mainly as a marginal group that was generally known in the population for their mission from house to house. Since the foundation of Jehovah's Witnesses, the established churches have rated them among the "classical sects" simply because they differed from them in religious beliefs. Jehovah's Witnesses were not mentioned in the public discussions about the possible dangers from socalled youth sects (cults) that had been going on since the 1970's.

This, however, changed when Jehovah's Witnesses took legal steps in order to have corporation rights. Two court decisions granted legal coroporation rights for their religious society, but the Federal Administrative Court denied them this right in 1997.

Especially the Protestant Church desired by all means to prevent any official recognition and its consequent status of Jehovah's Witnesses as equal with the churches before the law. Since both dominant churches in Germany have special privileges due to agreements with the State which enable them to have a strong influence on the political and social life of Germany, it was possible to systematically propagate the image of a "dangerous, destructive sect" on a political level as well as through the media.

Especially from 1995 and onwards, the pressure on Jehovah's Witnesses increased. The accusations which "sect commissioners" of the churches published in their so-called "sect reports" were adopted and believed by politicians and the media. They referred to certain religiously motivated patterns of behaviour such as their refusal of blood transfusion, their apocalyptic belief, their supposed social isolation, and the possible reproach resulting from a restrictive upbringing. Sometimes, this constant criticism takes on grotesque forms, like when the non-celebration of birthdays, Christmas and Easter among Jehovah's Witnesses is said to result in psychological and social traumas for their children.

These reproaches manifested themselves in inquiries from politicians to the parliaments in federal states (1995-1998), but also in court cases dealing with child custody in which one parent is a Witness. Especially here, the possible refusal of blood transfusion in emergency cases and the supposed "restrictive practice of upbringing" is exaggerated to represent outright maltreatment of children. The discussion intensified even more when, in 1996, the book "Die Sekten-Kinder" (Children of Sects) was published by Kurt-Helmuth Eimuth, who is himself a sect commissioner for the Protestant Church. This publication was played up as a media event because the book was published immediately before the

Inquiry Commission took up its work. At the press conference, Renate Rennebach, the initiator of the Inquiry Commission, announced that this book would serve as a work basis for the Commission. The next day, the media carried the headline: "82,000 Children in Germany Live Under the Influence of Sects." Among the groups listed, Jehovah's Witnesses were mentioned as by far the largest association and the one towards which the reproaches were mainly directed.

After the Federal Administrative Court's refusal of their application for corporation rights, the association of Jehovah's Witnesses has in reality been subjected to numerous restrictions:

Without the corporation status, their religious association is not entitled to be designated as heir by will

They do not have permission to visit members of the denomination either in hospitals or in penal institutions in order to provide spiritual assistance

They can not be registered in a public telephone directory under the section "churches and religious communities"

They can not announce religious meetings in local official gazettes.

While Jehovah's Witnesses are still awaiting the final court verdict on their appeal for corporation rights, they still find themselves under attack from the two dominant churches in Germany, who see the Witnesses as a group with rather strong competitive power. The churches' representatives and supporters, many of whom are in public office, use their positions to fight competing religious denominations - which only serves to hasten their own increasing self-secularization.

It remains to be seen whether the constitutional complaint of Jehovah's Witnesses in the matter of corporation rights will be accepted or refused. That, however, is not only a matter of whether or not a religious association should receive corporation status. The decision will either strengthen the current tendency in Germany toward State control of the individual citizens' philosophies of life, or it will enforce the constitutional equality of all religious denominations, the right of religious self-determination, and the right of unlimited, unimpaired worship.