

# PODIUM

**CIVIL LIBERTIES** *By Harvey A. Silverglate*

## Price of Religious Liberty Is Oddity

**I**N THE WAKE of the mass suicide by 39 members of what the media refer to as "the Heaven's Gate cult," reams have been written in an effort to understand it. The media dissected the beliefs of the sect (I use "sect" rather than "cult" because it is less judgmental), describing with puzzlement and horror the members' acceptance of their charismatic leader's demands for celibacy, avoidance of sensuality, surgical castration and preparations for the ultimate departure to another world.

New York Times columnist Frank Rich excoriated those who objected to characterization of Heaven's Gate as a "cult." "While one man's cult is often another man's religion," he wrote, "some cults may actually be cults." What distinguishes a cult from a religion, he said, is not its religious beliefs and doctrines, but rather the cult leader's "practice of mind-control techniques, usually by a charismatic leader, that robs its members of their independence of thought."

Speculation began as to what could be done to protect society against such attractive nuisances, and an uproar was caused by those who were horrified that Heaven's Gate used the Internet to attract members. This gave "cult experts" and computerphobes alike the opportunity to rail against the use of electronic media by what they dubbed "spiritual predators."

This was not the first time that critics of cults have sounded the alarm. There is a long history of the proliferation of new religious sects in the United States and of

efforts by officials and others to control or even dismantle them—most of which have met with failure in the face of the First Amendment. The occasional tragedy of a Heaven's Gate is the price a free society pays to provide religious liberty.

The clearest word on the subject came from the U.S. Supreme Court in 1944. In a federal mail fraud prosecution, the government charged members of the Ballard family were guilty of fraud for organizing and promoting the "I Am" movement "by means of false and fraudulent representations, pretenses and promises." Their claims of "supernatural attainments," it was alleged, including "the power to heal" incurable diseases, were simply a means of soliciting funds from the gullible; the Ballards' representations, as they "well knew," were false.

### Court's Clear Position

The court was unequivocal in its message that religious beliefs and practices not be put to any test of reasonableness, much less truth. "The law knows no heresy," warned the court, "and is committed to the support of no dogma, the establishment of no sect."

The First Amendment "embraces the right to maintain theories of life and of death and of the hereafter which are rank heresy to followers of the orthodox faiths," including protection for belief systems that "may be incomprehensible to others," and which most citizens consider "incredible, if not preposterous." In perhaps the most important observation made by the court in *U.S. v. Ballard*, 322 U.S. 78, it warned that if society were allowed officially to judge unpopular religious doctrines for their truth or falsity,

"then the same can be done with the religious beliefs of any sect."

Nonetheless, small spiritual sects and new religions have in recent decades had to fight a constant battle for the freedom to preach and practice in the face of critics accusing them of mind control and worse.

If analyzed dispassionately, these sects have clear analogues in even the most mainline of religions. It is alleged that cult leaders maintain an iron grip on the loyalty of their followers and that cult "victims" are brainwashed when of tender and vulnerable age, in high school or college. Ignored is the fact that mainline religions begin such indoctrination shortly after birth.

Allegations are made that vulnerable adherents are "coerced" to labor long hours for the cause, without financial compensation. Forgotten are the countless hours volunteers devote to major religions, and the extent to which nuns and priests, for example, devote their entire lives to, and give up all worldly advancement for, the church. As long as persuasion is based upon spiritual rather than physical "coercion," the law stands neutral.

In the long run, religious liberty, including toleration of sects with beliefs most Americans would consider odd and even personally threatening, is conducive to civic peace, notwithstanding the occasional casualty. In the eyes of the First Amendment, the Heaven's Gate concept of a better life in another part of the solar system may be treated no differently from the Christian concept of Heaven or the Hebrew concept of the world to come. ☐

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