St. Thomas on Deprogramming: Is it Justifiable?

Catherine Wong

Follow this and additional works at: https://scholarship.law.stjohns.edu/tcl

Part of the Catholic Studies Commons

Recommended Citation
Available at: https://scholarship.law.stjohns.edu/tcl/vol39/iss2/2
ST. THOMAS ON DEPROGRAMMING: IS IT JUSTIFIABLE?

INTRODUCTION

The anti-cult movement1 began with families’ and established religious groups’2 response to the significant and alarming rise in the number of new religious cults3 in the United States during the 1970s and 1980s.4 The process of deprogramming5 is

1 The anti-cult movement is a national movement, a response to the “simultaneous emergence of the array of diverse new religious movements.” ANSON D. SHUPE, JR. & DAVID G. BROMLEY, THE NEW VIGILANTES: DEPROGRAMMERS, ANTI-CULTISTS, AND THE NEW RELIGIONS 28 (1980). Shupe and Bromley note that the anti-cult movement is motivated by two distinct ideologies, the secular/rational and the religious/theological. They employ two distinct metaphors to describe the social and psychological threats that cults impose upon individuals. See id. at 59–60. Belief in these differing metaphors led to advocacy of conflicting remedies for the cult problem. See id. at 59. For example, those who believed that cultists were victims of deception “duped by virtue of their human weaknesses,” rejected deprogramming as a solution. Id. at 65. Instead, these cultists require confrontation with the “truth” to clarify their spiritual confusion. Id. at 69. In contrast, constituents of the anti-cult movement who viewed cultists as victims of “possession” or “brainwashing” believed that an exorcism or deprogramming may be necessary for the cultist to break free from psychological control by the group. Id. at 63–64, 70, 75. “At the outset of a deprogramming, as in the rite of exorcism, the individual was presumed to be totally under the control of a separate entity—in this case of the ‘cult’ through its doctrines and agents.” Id. at 75.

2 See id. at 59.

3 For an discussion of what constitutes a religious cult, see infra Part IA. It is often difficult to draw absolute distinctions between legitimate religious organizations and “pseudo-religion . . . cults.” SHUPE & BROMLEY, supra note 1, at 116.

4 See Dena S. Davis, Joining A “Cult”: Religious Choice or Psychological Aberration?, 11 J.L. & HEALTH 145, 145 (1997) (noting an “explosion of new religious groups” in the 1970s and 1980s, all of which had basic characteristics in common: they were all “high demand” religions that required followers to do more than merely attend church weekly and contribute a nominal tithe, all were led by a charismatic leader, “most involved communal living,” and all concentrated their recruitment efforts on “young, idealistic, mostly white, and middle-class Americans” to achieve the necessary group growth); see also SHUPE & BROMLEY, supra note 1, at 27–28 (noting the advent or revival of religious groups in the United States that expressed countercultural themes, such as the Children of God, the Hare Krishnas, Transcendental Meditation, and the Unification Movement).

Many of these new religious groups were derivations of the counterculture movement of the 1960s. See WILLA APPEL, CULTS IN AMERICA: PROGRAMMED FOR
a central component of the anti-cult movement; it is a “service” created and nurtured by a “client demand” that primarily seeks to recover children who have been “lost” to cults. Deprogramming has been defined as “the process whereby individuals who are members of, or associated with certain religious groups are subjected to various procedures to persuade them to recant their religious beliefs.” While supporters of deprogramming view it as a measure necessary to “bring[] [cultists] back to reality,” detractors claim that it is merely part of a profit-making enterprise.

The use of deprogramming as a principal tactic in the war against cults has raised controversial constitutional issues, especially when parents kidnap or falsely imprison their adult children to facilitate deprogramming. Although parents have

---

5 For a list of religious groups identified as “cults” by the Cult Awareness Network, see Barry A. Fisher, Devotion, Damages and Deprogrammers: Strategies and Counterstrategies In The Cult Wars, 9 J.L. & RELIGION 151, 166 n.44 (1991).
6 See SHUPE & BROMLEY, supra note 1, at 121. Shupe and Bromley assert that the anti-cult movement primarily consists of two organizational components: 1) anti-cult associations which are “comprised almost exclusively of parents and other relatives of members of the new religions whose fundamental objective always was ‘recovery’ of their errant offspring, thereby reestablishing the previously valued patterns of family authority,” and 2) deprogrammers. Id. at 87, 121.
7 SHUPE & BROMLEY, supra note 1, at 121 (noting that deprogrammers are “supported almost exclusively by distraught parents”).
8 For a definition of “deprogramming” and competing theories on the necessity and constitutionality of deprogramming, see infra Part II.
10 See Fisher, supra note 4, at 165 (“Ted Patrick turned deprogramming into a profit-making enterprise. He sought out business, and his early ‘success’ and notoriety quickly led to an increasing number of deprogrammings.”). But see LeMoult, supra note 9, at 605 (“Patrick claims that he does not deprogram for a profit, but has his expenses paid by the parents who enlist his aid.”).
13 At common law, an individual reaches the age of majority at 21. See LeMoult, supra note 9, at 619 n.151 and accompanying text. Twenty one is the age of majority for most states. See id. In New York, the age of majority is 18. See N.Y. DOM. REL. LAW § 2 (Consol. 1998); see also LeMoult, supra note 9, at 619 n.152.
14 Both parents and the courts determine a child’s rights and best interests. See Teresa Donati Marciano, Families and Cults, in CULTS AND THE FAMILY 101, 106
the discretion to limit and control the influences their children may be exposed to as minors, children are emancipated from such parental control upon reaching the age of majority. An adult child who is involuntarily subjected to deprogramming may enforce his First Amendment rights to the free exercise of religion and freedom of association, guarantees similarly provided by most state constitutions, by bringing a civil action against his or her parents under 42 U.S.C. §§ 1983 and 1985.

An analysis of the philosophy of St. Thomas Aquinas lends a unique and valuable perspective to the often heart-wrenching litigation created by the involuntary deprogramming of adult children. St. Thomas was a medieval religious philosopher, but his teachings continue to influence modern religious, legal, and political thought. Though his unfinished masterpiece, Summa Theologica, was written for students of theology, his writings on natural law and justice are equally important to the study of historical and modern American jurisprudence. Application of

---

(Florence Kaslow & Marvin B. Sussman eds., 1982) ("[W]ho will guard the guardians; for in determining children's rights and 'best interests,' the courts are owners of the children's fates, and as such are 'alternative parents.'").

14 See Brandyberry, 812 P.2d at 680; see also Katz v. Superior Court, 141 Cal. Rptr. 234, 252 (Ct. App. 1977) ("On attaining majority a child is emancipated from the control of the parent.").

15 See U.S. CONST. amend. I ("Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.").

16 See, e.g., CAL. CONST. art. I, § 4 ("Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion."); OR. CONST. art. I, § 2 ("All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.").

17 See infra note 106 (detailing case law in which cult members sued their parents for deprivation of civil rights); see also Fisher, supra note 4, at 171 n.59; Marciano, supra note 13, at 107 (noting that "[t]he cults present a case not of the minor child against parents, but of parents against a child who is no longer a minor").

18 St. Thomas lived from 1225 to 1274. See THOMAS AQUINAS, SUMMA THEOLOGICA (Fathers of the English Dominican Province trans. 1947) [hereinafter SUMMA THEOLOGICA].

19 See THOMAS AQUINAS, THE TREATISE ON LAW 6 (R.J. Henle ed. & trans., University of Notre Dame Press 1993) [hereinafter AQUINAS].

20 See SUMMA THEOLOGICA, supra note 18, at vi; AQUINAS, supra note 19, at 13–14.

21 See AQUINAS, supra note 19, at 8.

St. Thomas's teachings to the deprogramming issue is worthwhile not simply because of his general renown in the arena of legal scholarship; his concepts of religious freedom, free will, and man's knowledge of divine truth are uniquely significant, particularly in view of his personal experience with familial conflict regarding freedom of religion.23

By the time St. Thomas was twenty he had decided, against the wishes of his parents, to join the Order of St. Dominic24 instead of the Benedictine Abbey of Monte Cassino.25 Soon after this decision, he was intercepted by his brothers during a journey to Paris,26 and subsequently kept in confinement for two years.27 He was released only when it became clear that he would not renounce his beliefs despite his family's desires and expectations.

("[The natural law philosophy developed by Thomas Aquinas provides twentieth century Americans with helpful and constitutionally permissible insight about the development and interpretation of secular, positive law."). See generally id. (noting that Thomastic notions of prudence and justice as the respective means and ends to the common good are relevant to analysis of civil rights issues such as affirmative action and equal opportunity).

23 See infra notes 24–28 and accompanying text.

24 St. Thomas became enamoured with the Dominicans during his teenage years at the University of Naples. See ETIENNE GILSON, THE PHILOSOPHY OF ST. THOMAS AQUINAS 3 (Rev. G. A. Elrington ed. & Edward Bullough trans., Dorset Press 1986). He was attracted to the Dominicans primarily because they advocated “mixing freely in the crowd of teachers and students, learning from the former in order to teach the latter in their turn” as opposed to more isolated vocation “within massive walls of fortress—like Abbeys.” Id.

25 See id. at 4 (noting that “[i]n taking the Dominican habit, [Aquinas] definitely disappointed a family hope: he renounced the dignity of Abbot of Montecassino”); THE LIFE OF SAINT THOMAS AQUINAS 26–27 (Kenelm Foster, O.P. ed. & trans., Helicon Press 1959) (1957). St. Thomas's parents' commitment to the Benedictine Abbey of Montecassino was likely motivated by designs for their son Thomas to hold political and economic power as Abbot sometime in the future. See GILSON, supra note 24, at 2.

26 See GILSON, supra note 24, at 4. Realizing that Thomas's decision to join the Dominicans would meet familial opposition, the Order immediately decided to remove Thomas from Bologna and send him to study at the University of Paris. See id. It was on this evasive journey from Bologna to Rome to Tuscany to Paris that Thomas's brothers “found [him], with four friars of the Order, resting from the fatigues of the journey by a wayside spring; and immediately—behaving like enemies rather than brothers—seized him and carried him off by force . . . And so, closely guarded, they sent him off to his mother.” THE LIFE OF SAINT THOMAS AQUINAS, supra note 25, at 28. St. Thomas's mother had ordered his brothers to capture him. See id.

27 See THE LIFE OF SAINT THOMAS AQUINAS, supra note 25, at 30. Gilson asserts, however, that this period of confinement lasted “for about a year.” GILSON, supra note 24, at 4.

28 See THE LIFE OF SAINT THOMAS AQUINAS, supra note 25, at 29–31 (describing
Part I of this Note explores religious cults as defined by modern sociologists and by St. Thomas and explores whether or not religious cults are threatening entities. Part II provides an overview of the deprogramming process and discusses theories regarding its validity or invalidity. Part III identifies fundamental assumptions advanced by proponents of involuntary deprogramming to justify its use. Finally, Part IV analyzes these assumptions from St. Thomas's perspective and concludes that St. Thomas would only have approved of involuntary deprogramming for adult apostates and those associated with heretical religious groups.

I. RELIGIOUS CULTS

A. Definition of a Religious Cult

The study of religious cults has been hampered by the absence of a concrete definition of “cult.” The former Cult Awareness Network portentously defined a cult as “a closed system...}
whose followers have been unethically and deceptively recruited through the use of manipulative techniques of thought reform or mind control. Sociologists, however, note that every religion is a cult at its nascent stage, “where there is simply a charismatic leader and an enthusiastic band of followers, who have not yet developed anything more than the simplest organizational structure.” Scholars have created profiles of cults, consisting of commonly shared characteristics. For example, cult expert Margaret Singer identifies eight features typical of cults and cult leaders:

1. Cult leaders are self-appointed, persuasive persons who claim to have a special mission in life or to have special knowledge;

when the group was forced into bankruptcy by insurmountable legal fees. See Bob Egelko, Judges Say Ruling Threatens Free Speech, COLUMBIAN, Aug. 28, 1998, available in 1998 WL 17197177. The Church of Scientology, a frequent adversary, bought the rights to the Cult Awareness Network name and transformed the organization into one that promotes cult awareness. See id.; In re Cult Awareness Network, 151 F.3d 605, 607 (7th Cir. 1998) (holding that the bankrupt Cult Awareness Network lacked standing to object to trustee's sale of its trade name due to lack of pecuniary interest). The American Family Foundation and the international Cult Education Program are two remaining anti-cult organizations. See Elizabeth C. Nordbeck, The Great American Cult Controversy, in RELIGIOUS CULTS IN AMERICA 104, 105 (Robert Emmet Long ed., 1994). Members of the anti-cult movement sharply disagree as to which religious groups should be characterized as cults. See id.

31 Davis, supra note 4, at 147; see also PERDUE, supra note 29, at 9 (defining cults as “the ordered response of a society and its individuals to their belief that a deity has appeared within its midst”).

32 Davis, supra note 4, at 147 (noting that most cults die without progressing beyond this initial stage).

33 See infra notes 34–36 and accompanying text; see, e.g., Landa, supra note 29, at 594–96 (listing “certain predominant characteristics possessed by all cults [and noting] . . . [a]ll cults manifest at least some variation of these characteristics”); see also APPEL, supra note 4, at 17. Appel asserts:

Cults can be categorized by the intensity of control they exert over their members, as well as by their ideological content . . . A key in determining the degree of control the group exercises over its members is the amount of time spent in mind-altering activities—prayer, chanting, meditation, group rituals, psychodrama, and confession, for these activities effectively isolate members from the outside world.

Id.; see also David G. Bromley, Conservatorships and Deprogramming: Legal and Political Prospects, in THE BRAINWASHING/DEPROGRAMMING CONTROVERSY: SOCIOLOGICAL, PSYCHOLOGICAL, LEGAL AND HISTORICAL PERSPECTIVES 267, 268–69 (David G. Bromley & James T. Richardson eds., 1983) (listing essential characteristics of cults, according to anti-cultists).

34 See Robert Jay Lifton, Foreword to SINGER & LALICH, supra note 29, at xi–xiii.
2. Cult leaders tend to be determined and domineering and are often described as charismatic;
3. Cult leaders center veneration on themselves;
4. Cults are authoritarian in structure;
5. Cults appear to be innovative and exclusive;
6. Cults tend to have a double set of ethics;
7. Cults tend to be totalistic, or all-encompassing, in controlling their members' behavior and also ideologically totalistic exhibiting zealotry and extremism in their worldview; and
8. Cults tend to require members to undergo a major disruption or change in lifestyle.\(^5\)

In an article by Thomas Robbins and Dick Anthony, the authors identified six traits found in almost all groups that are labeled as cults, including authoritarian and aggressive approaches in recruiting and maintaining members.\(^6\) The list of traits is not exhaustive, however, as there are many examples of religious cults that defy categorization under these definitions.\(^7\)

St. Thomas does not define “religion” or “religious cult” in the *Summa Theologica*,\(^8\) nor does he describe religious groups that resemble what we recognize as modern day cults.\(^9\) Nevertheless, the unfavorable modern use of the terms “cult” and “cultist” seems to parallel St. Thomas’s use of “unbelief” to describe religious practices that lacked endorsement by the Christian Church. Though *Summa Theologica* doesn’t explicitly discuss cults, it does address related subjects such as unbelief,\(^10\)

\(^{5}\) See Singer & Lalich, supra note 29, at 8–10.

\(^{6}\) See Thomas Robbins & Dick Anthony, *Deprogramming, Brainwashing, and the Medicalization of Deviant Religious Groups*, 29 SOC. PROBS., Feb. 1982, at 283 (noting that cults are “(1) authoritarian in their leadership; (2) communal and totalistic in their organization; (3) aggressive in their proselytizing; (4) systematic in their programs of indoctrination; (5) relatively new and unfamiliar in the United States; and (6) middle class in their clientele”).

\(^{7}\) See Davis, supra note 4, at 148 (noting that “three recent religious groups whose stories have ended in tragedy—the People’s Temple, the Branch Davidians, and Heaven’s Gate—do not fit the usual profile of a ‘cult’ which attracts primarily young and single adherents”).

\(^{8}\) Compare THOMAS AQUINAS, SELECTED POLITICAL WRITINGS 155 (A.P. D’Entreves ed. & J.G. Dawson trans., Basil Blackwell and Mott, Ltd. 1959) (translating *Summa Theologica* pt. II-II, Q.10, art. 11 as treatment of “Tolerance of non-Christian Cults”), with SUMMA THEOLOGICA, supra note 18, at pt. II-II, Q.10 art. 11 (translated as “Whether the Rites of Unbelievers Ought To Be Tolerated?”).

\(^{9}\) See supra notes 35–36 and accompanying text.

\(^{10}\) See SUMMA THEOLOGICA, supra note 18, at pt. II-II, Q.10 art. 3, at 1215.
heresy, and apostasy. A review of St. Thomas's theories on unbelief reveals that St. Thomas recognized only one lucid, true exercise of faith in God and religion—the Christian faith. Individuals who did not accept the Gospel were all unbelievers in one undesired form or another. St. Thomas's disdain for unbelief flowed from two sources: 1) his disapproval of the unbeliever's rejection of faith, and 2) his conviction that unbelief was “contrary to nature.” He believed that humans are naturally ori-

[Man is more than ever separated from God by unbelief, because he has not even true knowledge of God; and by false knowledge of God, man does not approach Him, but is severed from Him . . . . Therefore it is clear that the sin of unbelief is greater than any sin that occurs in the perversion of morals.

Id.

41 See id. at pt. II-II, Q.11 art. 1, 1224–25. (A heretic "chooses, not what Christ really taught, but the suggestions of his own mind. Therefore heresy is a species of unbelief, belonging to those who profess the Christian faith, but corrupt its dogmas."); see also id. at pt. II-II, Q.10 art. 6, at 1217. ("The unbelief of heretics, who confess their belief in the Gospel, and resist that faith by corrupting it, is a more grievous sin than that of the Jews, who have never accepted the Gospel faith.")

42 See id. at pt. II-II, Q.12 art. 1, at 1228. ("Apostasy denotes a backsliding from God . . . . A man may apostatize from God, by withdrawing from the religious life to which he was bound by profession, or from the holy Order which he had received . . . . A man may also apostatize from God, by rebelling in his mind against the Divine commandments: and though man may apostatize in both the above ways, he may still remain united to God by faith.").

43 See supra notes 40–42. Some unbelievers have never received the faith, such as "the heathens and the Jews." SUMMA THEOLOGICA, supra note 18, at pt. II-II, Q.10 art. 8, at 1219. Other unbelievers, the heretics and apostates "at some time have accepted the faith" but subsequently rejected it. Id.

44 See id. at pt. II-II, Q.10 art. 5, at 1216 ("The sin of unbelief consists in resisting the faith.").

45 See id. St. Thomas states that unbelief is the sin of resisting the faith, which may occur in two ways:

[E]ither the faith is resisted before it has been accepted, and such is the unbelief of pagans or heathens; or the Christian faith is resisted after it has been accepted, and this either in the figure, and such is the unbelief of the Jews, or in the very manifestation of truth, and such is the unbelief of heretics.

Id.

46 See id.; see also supra notes 40–42.

47 SUMMA THEOLOGICA at pt. II-II, Q.10, art. 1, at 1214 ("To have the faith is not part of human nature, but it is part of human nature that man's mind should not thwart his inner instinct, and the outward preaching of the truth. Hence, in this way, unbelief is contrary to nature."). Man's inner instinct is his natural orientation towards the good, which guides him on the search for God. See ANTHONY J. Lisska, AQUINAS'S THEORY OF NATURAL LAW 101 (1996) ("Human beings have a natural inclination or disposition to know the true propositions about God and concerning those necessities required for living in a human society.").
ented towards good, and that consistent with this inclination is a "natural . . . disposition to know the true propositions about God." In short, St. Thomas expected a man's natural desire to pursue the First Truth to lead him to Christian faith. Pursuant to St. Thomas's conception of norms and truths and his definition of unbelief, a wide-range of modern day non-Christian religious entities might be considered heretical religious cults.

B. Do Religious Cults Pose a Threat?

Some well-known tragedies such as Waco, Heaven's Gate, and Jonestown have involved religious cults. Anti-cultists submit that the cult members involved in these violent incidents were unknowing victims of "Heavenly Deception," coercive persuasion and brainwashing, and that everyone is susceptible to

48 See AQUINAS, supra note 19, at 56–57 (noting that St. Thomas doesn't accept the view that "Original Sin has completely destroyed [man's] orientation to the good . . . . St. Thomas is in sharp disagreement with Hobbes."). In contrast, Hobbes believed that men naturally suffer from three conditions that make them quarrel: competition, diffidence, and glory. See THOMAS HOBBES, LEVIATHAN 81–86 (Cambridge University Press 1991). These natural inclinations create a state of nature in which "every man is Enemy to every man . . . [and the life of man [in this natural state is] solitary, poor, nasty, brutish, and short." Id. at 84.

49 LISSKA, supra note 47, at 101.

50 See SUMMA THEOLOGICA, supra note 18, at pt. II-II, Q.1 art. 1, at 1169 ("[F]aith is about the simple and everlasting truth.' Now this is the First Truth.").

51 See id. ("[T]he object of faith is the First Truth.").

52 After a 51 day standoff with federal agents, David Koresh and more than 80 followers were immobilized in a fire allegedly ordered by Koresh at the Branch Davidian compound in Waco, Texas, on April 19, 1993. See Sam Howe Verhovek, Apparent Mass Suicide Ends A 51-Day Standoff in Texas, N.Y. TIMES, Apr. 20, 1993, at A1.

53 On March 26, 1997, 39 members of the Heaven's Gate cult died in a mass suicide that the cult members believed would facilitate their delivery to heaven via the Hale-Bopp comet, which was orbiting near the earth during that time. See Todd S. Purdum, Videotapes Left by 39 Who Died Described Cult's Suicide Goal, N.Y. TIMES, Mar. 28, 1997, at A1.

54 In 1978, over 900 people died in a mass suicide-murder in Jonestown, Guyana under the direction of Reverend Jim Jones, leader of the People's Temple. See ANDREW J. PAVLOS, THE CULT EXPERIENCE 20 (1982); see also SHUPE & BROMLEY, supra note 1, at 207–31 (describing the Jonestown massacre and its mobilizing effect on the anti-cult movement).

55 See Landa, supra note 29, at 600 (describing the cult recruitment tactic of using "front names" to conceal the group's true identity until the recruit is fully indoctrinated); see also Richard Delgado, LIMITS TO PROSLEYTIZING, in THE BRAINWASHING/DEPROGRAMMING CONTROVERSY: SOCIOLOGICAL, PSYCHOLOGICAL, LEGAL AND HISTORICAL PERSPECTIVES 215, 227–28 (David G. Bromley & James T. Richardson eds., 1983).

56 See Landa, supra note 29, at 603–07; see also Richard Delgado, When Relig-
conversion by cults. Critics of this view, however, maintain that adherents are free to depart whenever they choose. They note that the use of coercive persuasion techniques in cult recruitment "is doubtful when over ninety percent of those subjected to the so-called coercive persuasion walk away." While the debate continues, recent court rulings against parents and deprogrammers indicate that courts are unmoved by families' claims that cults use mind control. When confronted with defenses such as the choice of evils/necessity defense submitted by


See Landa, supra note 29, at 597 ("Individuals who become cult members are not necessarily more insecure than the average person; they are not weak-willed, directionless, or, as a rule, young."); SINGER & LALICH, supra note 29, at 17 ("Despite the myth that normal people don't get sucked into cults, it has become clear over the years that everyone is susceptible to the lure of these master manipulators."). Singer and Lalich note, however, that there are two factors that make an individual particularly susceptible to cult conversion: depression, and being in transitional periods. See id. at 20.

See LeMoult, supra note 9, at 602-03. No one has proved that any religious sect which has been the target of deprogramming engages in physical restraint, abduction, or any other such practice. What is probably true of most such groups is that they offer warmth, friendship, authority, and a prescribed course of conduct laced with plenty of dogma. No doubt there are serious efforts to influence the thinking of the new adherent, but these are clearly not 'brainwashing,' since the adherent is free to depart if he chooses.

Id.

Joseph E. Broadus, Use of the "Choice of Evils" Defense in Religious Deprogramming Cases Offends Free Exercise While Ignoring the Right to be Free From Compelling Treatment, 1 GEO. MASON U. CIV. RTS. L.J. 171, 190 (1990). Broadus further notes that "[w]hen, after two years of submission to these techniques, many still chose freely to leave the group, the power of these techniques must be doubted." Id.

See id. at 188 (stating that "[t]he theory of coercive persuasion advanced by forced religious deprogramming proponents is a theory rejected by . . . civil courts as an inadequate basis for forced treatment").

The choice of evils defense is grounded in the common law doctrine of necessity. See id. at 677. The necessity defense consists of three elements: 1) the defendant must have acted under reasonable belief that there was a danger of imminent physical injury to the plaintiff or others, 2) the right to confine a person in order to prevent harm to that person lasts only as long as is necessary to deliver the person to the proper lawful authorities, and 3) the actor must use the least restrictive means of preventing the apprehended harm. See Eilers v. Coy, 582 F. Supp. 1093,
parents and deprogrammers, courts have chosen instead to focus on whether or not there is "danger of imminent physical injury to the [cultist] or to others." Thus, the necessity defense may be found to justify deprogramming in order to prevent imminent physical injury, but not to combat the effects of a cult's alleged use of mind control or brainwashing.

Although courts do not perceive mind control as a danger warranting judicial intervention, alienated family members view cults as a genuine threat to the individual and to family relations. The trauma borne by fragmented families is the force that continues to drive the anti-cult movement.


62 See Brandyberry, 812 P.2d at 676, 679 (rejecting defendant's choice of evils defense as justification for conspiracy and kidnapping).

63 Eilers, 582 F. Supp. at 1097.

64 See Brandyberry, 812 P.2d at 676–79. Although the Brandyberry court noted that the defendants presented evidence of the cult's use of "fraudulent recruitment practices and 'coercive persuasion' techniques ... to obtain, keep, and control its members, including the victim," it still rejected defendant's choice of evils defense. Id.; see also People v. Patrick, 179 Cal. Rptr. 276, 282 (Ct. App. 1981) (rejecting defendant deprogrammer's defense of necessity where the "offer of proof focused on psychological harm, personality change and unorthodox morality" instead of "a danger of imminent physical harm").

65 See supra notes 61 & 64; Broadus, supra note 59, at 192 ("The Katz court thus found the theory of coercive persuasion irrelevant .... When the court is asked to determine whether that change was induced by faith or by coercive persuasion is it not in turn investigating and questioning the validity of that faith? ") (quoting Katz v. Superior Court, 141 Cal. Rptr. 234, 255 (Ct. App. 1977)).

Judicial regulation simply may not be proper in this First Amendment arena. See Broadus, supra note 59, at 187 ("Since the Court can never decide the ultimate question of truth or falsity of any creed, it sees its role as protecting the right of the individual to make religious choices."); id. at 184 n.65 (noting that Watson v. Jones, 80 U.S. 679 (1871), Kreshik v. St. Nicholas Cathedral, 363 U.S. 190 (1960), and Kedroff v. St. Nicholas Cathedral, 344 U.S. 94 (1952) established the question of what constitutes real religion as beyond the provinces of both the judiciary and the legislature).

66 See Delgado, supra note 55, at 220 (noting that indoctrinated cult members have been observed as "zombie-like," "programmed," and with "glass-eye stares," "fixed facial smiles," and "stereotyped, robot-like responses").

67 See id. at 224; David G. Bromley & Anson D. Shupe, Public Reaction Against New Religious Movements, in CULTS AND NEW RELIGIOUS MOVEMENTS 305, 315–16 (Marc Galanter ed., 1989) (describing three observed responses of families whose children have joined cults: 1) incomprehension and bewilderment, 2) ambivalence, and 3) anger and urgency); David G. Bromley & Phillip E. Hammond, The Future of New Religious Movements 266 (1987) ("One cultural consequence of the emergence of new religious movements in the 1960s, 1970s, and 1980s ... will probably be a dramatic further loosening of the link between religion and family.").

68 See supra note 6 (noting that the anti-cult movement is comprised of distraught family members and deprogrammers); see also Bromley & Shupe, supra
ship is perceived to have profoundly adverse effects on an individual's "autonomy and the ability to think independently."\(^6\)

Family relationships are fragmented by a young adult's decision to join a cult by offending the pervasive "cultural assumption"\(^7\) that "the overwhelming majority [of children] will accept the religious affiliations of their parents."\(^7\)

Moreover, in addition to rejecting their spiritual upbringing, cult recruits tend to abandon the educational, social, and occupational goals, and expectations set for them by their families.\(^7\)

Consequently, a cult member's parents are deprived of the sense that they fulfill a meaningful parental purpose.\(^7\)

Many of these parents tend to believe that their child's decision to join and remain in a cult was "the product of manipulation."\(^7\)

Some mainstream denominations also perceive religious cults as a threat,\(^7\) but they generally do not support the deprogramming of cult members.\(^7\)

II. DEPROGRAMMING

Deprogramming is a technique used by anti-cultists to extri-
cate individuals from religious cults. The term was coined by Ted Patrick, self-styled professional deprogrammer who turned the technique into an enterprise. In its most simple form, the deprogramming process involves two steps: a preparatory phase that requires physical seizure of the cult member, and the procedure itself.

Deprogramming techniques may vary considerably. Actual accounts are unverified because it is a scientifically undocumented lay procedure; knowledge of techniques is primarily gained through anecdotes. Generally, however, deprogramming involves involuntary confinement of the subject cult member and "[c]onstant verbal assault on the integrity, values, and activities of the individual through reason and confrontation." See SINGER & LALICH, supra note 29, at 286-87; see also SHUPE & BROMLEY, supra note 1, at 122–23 (distinguishing between coercive and noncoercive deprogramming).

LeMoult notes that Patrick is a high school dropout, and that his "only training appears to be a working knowledge of the Christian Bible." LeMoult, supra note 9, at 605. Shupe and Bromley observe that Patrick's past occupations include "numbers runner, chef, chauffeur, masseur, undertaker's assistant, barber, and truck driver." SHUPE & BROMLEY, supra note 1, at 135.

See Fisher, supra note 4, at 165; SHUPE & BROMLEY, supra note 1, at 135–36 (noting that Patrick's involvement in deprogramming has earned him lucrative financial rewards that far exceed his earnings at prior occupations).

See J. Thomas Ungerleider & David K. Wellisch, Deprogramming (Involuntary Departure), Coercion, and Cults, in CULTS AND NEW RELIGIOUS MOVEMENTS 239, 239–40 (Marc Galanter ed., 1989); LeMoult, supra note 9, at 603 ("The deprogramming process begins with abduction.").

See Ungerleider & Wellisch, supra note 80, at 239–40.

See, e.g., Eilers v. Coy, 582 F. Supp. 1093, 1095 (D. Minn. 1984) (detailing plaintiff's abduction and confinement for five and one-half days, two of which he spent handcuffed to the bed); Taylor v. Gilmartin, 686 F.2d 1346, 1349 (10th Cir. 1982) (describing the deprogramming process used during plaintiff's week-long confinement, which included constant supervision, deprivation of sleep, the threat of shock treatment and jailtime, the tearing of plaintiff's clothing and the cutting of his hair and beard); TED PATRICK, LET OUR CHILDREN GO! (1976) (containing Patrick's deprogramming experiences and techniques).

See Ungerleider & Wellisch, supra note 80, at 240–41.
of the various new religions and their leaders, frequently combined with biblically based refutations of their doctrinal heresies.\textsuperscript{84} The process may last for varying periods of time.\textsuperscript{85}

The efficacy of deprogramming is based on the assumption that cult members are unwitting victims of brainwashing and mind control.\textsuperscript{86} Proponents of deprogramming have analogized cults' use of coercive persuasion to brainwashing techniques used by Chinese Communists to reform the political thinking of their prisoners in the 1940s.\textsuperscript{87} Margaret Singer submits that cults engage in physiological\textsuperscript{88} and psychological persuasion techniques.\textsuperscript{89}

\begin{footnotesize}
\begin{itemize}
  \item \textsuperscript{84} SHUPE & BROMLEY, supra note 1, at 124; see also LeMoul\textsuperscript{t}, supra note 9, at 604:
  
  The subject's sleep is limited, and he is told that he will not be released until his beliefs meet his captors' approval. Members of the deprogramming group, as well as members of the family, come into the room where the victim is being held and barrage him with questions and denunciations until he has recanted his newly found religious beliefs.

  \textit{Id.}

  \textsuperscript{85} LeMoul\textsuperscript{t}, supra note 9, at 603–04 (noting that the deprogramming process may last for as long as three weeks); Helander v. Patrick, No. 77 Civ. 2401, 1984 U.S. Dist. LEXIS 17451, at *2 (S.D.N.Y. Apr. 19, 1984) (detailing plaintiff's confinement "at various locations in several states over a period of approximately three months" for the purpose of deprogramming).

  \textsuperscript{86} See Delgado, supra note 56, at 1100 ("The purpose of deprogramming is to restore freedom of thought to individuals deprived of it by coercive persuasion."); Delgado, \textit{Limits To Proselytizing}, supra note 55, at 220 ("One of the most striking outcomes of cult indoctrination processes . . . is a severe impairment of autonomy and the ability to think independently.").

  Deprogrammer Mary Alice Chrnalogar notes that mind control does not require extreme measures. She asserts: "All that's needed is an environment where the information can be controlled, and more importantly, the way people perceive that information." MARY ALICE CHRNALOGAR, \textit{TWISTED SCRIPTURES} 189 (1997). She explains that the existence of as few as six of Lifton's "psychological themes" are sufficient to exert control over cult members. \textit{See id.} at 193; \textit{see also infra} note 87.

  \textsuperscript{87} See Landa, supra note 29, at 601–06 (describing cult indoctrination processes and conditions aimed at destroying a recruit's sense of identity and decision-making abilities). Robert Jay Lifton's seminal work, \textit{Thought Reform and the Psychology of Totalism}, identifies eight themes that create an atmosphere for thought reform. \textit{See ROBERT JAY LIFTON, \textit{THOUGHT REFORM AND THE PSYCHOLOGY OF TOTALISM}} (1969). These themes are: 1) "Milieu Control" ("control of human communication"), 2) "Mystical Manipulation," 3) "Demand for Purity" (an us-versus-them attitude), 4) "Cult of Confession" (confession that will create bonds with other cult members and emotional distance from nonmembers), 5) "Sacred Science" (leader's wisdom is given credibility akin to science), 6) "Loading the Language" (creation of a cult "jargon"), 7) "Doctrine Over Person" (recasting of personal history to conform to the cult's interpretation), and 8) "Dispensing of Existence" (refocusing of one's existence so that it centers around the group, thus creating dependence). \textit{Id.} at 420–33.

  \textsuperscript{88} \textit{See SINGER & LALICH, supra note 29, at 125–49 (describing the use of physiological persuasion techniques that predictably bring about a lapse in the recruit's . . . )}
She denotes the following six conditions necessary for the implementation of thought reform on cult members:

1. Keep the person unaware that there is an agenda to control or change the person;
2. Control time and physical environment (contacts, information);
3. Create a sense of powerlessness, fear, and dependency;
4. Suppress old behavior and attitudes;
5. Instill new behavior and attitudes; and
6. Put forth a closed system of logic.

The legal tools that parents employ to facilitate their adult children's deprogramming, i.e., temporary conservatorships and the choice of evils/necessity defense, evidence their belief that coercive persuasion is widely-used on recruits during cult indoctrination. These supporters view deprogramming, the process...
by which an individual's freedom of thought and decision-making ability is restored, as a crucial tool in combating mind control techniques used on cult members.

In contrast, deprogramming's opponents deny that brainwashing is used to indoctrinate cult recruits. They object to the deprogrammers' view that membership in a myriad of unconventional religious groups is an illness to be treated medicinally. This medicinal approach has three effects: 1) it recharacterizes the forcible restraint of adults "as helpful and benign, even necessary, if done as part of a 'deprogramming' attempt," 2) it moves the debate from "freedom of religion and association" into the more esoteric realm of "definitions and diagnosis of mental illness," and 3) it creates an opportunity for anti-cult activists to benefit from "a tendency already present in our society to strip people of their legal protections by claiming to be acting in their best interests."

Deprogramming has also been characterized

2401, 1984 U.S. Dist. LEXIS 17451, at *7–9 (S.D.N.Y. Apr. 19, 1984) (detailing a parent’s description of dramatic changes in her child that she felt could only have been the product of brainwashing by the cult).

For a former cult member's descriptions of techniques used by cults to induce compliance and their effects, see Delgado, Limits To Proselytizing, supra note 55, at 218–20 (noting use of "[l]imitations placed on language, thought, and experience; loss of ego functioning; physical stress; and forced acquiescence to the will of the leaders . . . [to] reduce [] decision-making ability" as well as "[t]he health threatening effects of a low protein-high carbohydrate diet, insufficient sleep, overwork, and substandard, cramped living conditions").

But see supra notes 58–59 and accompanying text (asserting that cult recruitment does not involve brainwashing, especially when the member is free to leave if he so desires).

See LeMoult, supra note 9, at 601. Delgado offers an important point: successful deprogramming does not necessarily lead to abandonment of the individual's religious affiliation with the cult. Rather, success is gauged by "restoration of the volitional capacity necessary for informed consent." Delgado, supra note 56, at 1086. With regard to technique, Delgado emphasizes that "[t]he aims of conversational exchange [between the deprogrammer and the cult member] are to reintroduce the cultist to critical discussion and, later, to provide the informational background necessary for the cultist to make an informed choice of religious affiliation." Id. at 1110.

See supra note 58 and accompanying text.

See Davis, supra note 4, at 161–62, stating:

On the question of "capacity to choose," we have already seen a great deal of research indicating that cult members are not impaired . . . . From a purely psychological point of view, it is by no means clear that cult membership is "bad" for the person; joining an alternative religious group may be a very effective way of coping with personality difficulties.

Id. at 152.

Id.

Id.
by its detractors as "a form of counter-conversion" aimed at unconstitutionally forcing a cult member to conform to religious beliefs that are acceptable to his or her parents.\textsuperscript{101}

III. ASSUMPTIONS THAT JUSTIFY DEPROGRAMMING

By its nature, deprogramming involves an aspect of involuntary action on the cult member's part.\textsuperscript{102} The litigation spawned by deprogramming imposed on unwilling subjects includes claims for intentional infliction of emotional distress,\textsuperscript{103} kidnapping,\textsuperscript{104} false imprisonment,\textsuperscript{105} and civil rights violations.\textsuperscript{106} Despite the risks of criminal and civil prosecution, parents and deprogrammers continue their anti-cult crusade. Their conviction evidences their strong belief that coercive persuasion is used to indoctrinate members and their great concern over its harmful effects.\textsuperscript{107} A second belief advanced by religious cult members' parents and deprogrammers is that deprogramming is an appropriate and effective method of treating mind-control.

In order to morally justify potentially illegal actions\textsuperscript{108} committed in connection with deprogramming, families and de-

\textsuperscript{101} LeMoult, supra note 9, at 606 (explaining that the tactics used by deprogrammers—"restraint, deprivation of sleep, constant talk, denunciation, alternation of tough and easy talk, emotional appeals, and incessant questioning"—more closely resemble "brainwashing" than do the recruitment tactics used by cults); see supra note 14 (stating that adults are entitled to freedom of religion and association upon reaching the age of majority); see also supra notes 7, 10 & 79 (noting that deprogramming has been characterized as a for-profit enterprise which caters to distraught parents).

\textsuperscript{102} See supra note 77 and accompanying text (distinguishing deprogramming from exit counseling).

\textsuperscript{103} See, e.g., Taylor v. Gilmartin, 686 F.2d 1346, 1349 (10th Cir. 1982); Peterson v. Sorlien, 299 N.W.2d 123 (Minn. 1980).

\textsuperscript{104} See supra note 11.

\textsuperscript{105} See supra note 12.


\textsuperscript{107} See supra note 93.

\textsuperscript{108} See supra notes 11–12 (citing cases involving allegations of kidnapping and false imprisonment).
programmers presumably act in accordance with assumptions which logically flow from their convictions; they act with the sincere belief that the involuntary capture and confinement of cult members is rightful. Naturally, the first assumption is that the cult member is a victim of mind control. Second, they assume that the cult member's opinions are not reflections of the individual's actual desires or will and that continued association with the cult is not the product of rational, reasoned thought. Third, they assume that the cult member would assent to deprogramming if he or she were making reasoned decisions. Finally, they assume that parents properly elect the best choices for their child, regardless of the child's age. Without these assumptions, the illegal capture and confinement of a cult member would be a morally unjustified curtailment of the cult member's freedom of association and freedom of religion.

IV. ST. THOMAS: DEPROGRAM THE HERETICS AND APOSTATES, BUT NOT OTHER UNBELIEVERS

It is problematic to apply St. Thomas's doctrine regarding religious choice to cult-related religious conversions because he did not define cults in terms of mind control and brainwashing. Rather, he recognized two categories of persons: believers and unbelievers. According to St. Thomas, believers are individuals who have received the Christian faith. Unbelievers are of two types: 1) those who have never received the faith; and 2) heretics and apostates who have received and subsequently rejected the faith. St. Thomas wrote that "the cause of unbelief is in the

---

109 See supra note 93.
110 See id.
111 See Delgado, supra note 56, at 1085–87 (describing the issues surrounding the individual's consent to deprogramming).
112 See Katz v. Superior Court, 141 Cal. Rptr. 234, 240 n.8 (Ct. App. 1977) (stating the trial judge's reasoning that a parent's love for a child justifies conservatorship even though he or she is an adult).
113 See SUMMA THEOLOGICA, supra note 18, at pt. II-II, Q.4, art. 1, at 402–03. ("[T]he act of faith is to believe . . . which is an act of the intellect determined to one object by the will's command . . . '[F]aith is a virtue whereby we believe what we do not see.' ")).
114 See supra notes 41–43; see also SUMMA THEOLOGICA, supra note 18, at pt. II-II, Q.10, art.1, at 427: Unbelief may be taken in two ways. First, by way of pure negation, so that a man be called an unbeliever merely because he has not the faith. Secondly, unbelief may be taken by way of opposition to the faith, in which sense a man refuses to hear the faith, or despises it.
will, while unbelief itself is in the intellect." St. Thomas acknowledged that unbelief is the product of free choice resulting from the exercise of reason and will. Because unbelief is the greatest sin.

According to St. Thomas, humans have two basic faculties: the will and the intellect. St. Thomas noted that unbelief is the greatest sin. Our courts tend to agree with St. Thomas's belief that cult members retain their faculties of reason and free will, especially in cases involving grants of temporary conservatorship to parents of adult cult members and the choice of evils/necessity defense. See supra notes 63, 64 & 91 and accompanying text.

See supra notes 41–43 & 113.

See supra text accompanying notes 109–11.

See SUMMA THEOLOGICA, supra note 18, at pt. I, Q.83, art. 1, at 437. ("Since man is rational man must have free choice.").
St. Thomas believed that freedom of thought and unbelief can coexist in an unbeliever's mind, an individual's decision to continue associating with a religious cult might well be the product of a competent intellect and free will. Pursuant to this notion, the involuntary seizure and containment of an unbeliever for the purpose of "restor[ing] freedom of thought" via deprogramming are not means justified by a noble end.

The fourth assumption previously discussed—that parents justifiably engage in forcible deprogramming because they would elect the correct religious choice for their child—begs deliberation of St. Thomas's concept of the parental role. St. Thomas regarded the parental role as one of considerable duty and import. Under St. Thomas's teachings, children are the ultimate goals of marriage. Parents are charged with educating their offspring from a state of innocence and imperfection to perfect knowledge and use of reason. Before a child gains the use of reason, the child is "by nature part of its father . . . [and] is under his father's care." Upon attaining the faculty of reason, however, the child is free to make his or her own decisions regarding faith. Consequently, it is unlikely that St. Thomas

are elicited by the will, but also those which are commanded by the will. . . . Therefore not only the will can be a subject of sin, but also all those powers which can be moved to their acts, or restrained from their acts, by the will.); see also id. at II-I, Q.74, art. 5 (Reason involves "the act of knowing a truth . . . in so far as it errs in the knowledge of truth, [the] error is imputed to the reason as a sin").

See supra notes 121 & 123.

See Delgado, supra note 56, at 1100; see also supra note 86.

See supra note 112 and accompanying text.

See ST THOMAS AQUINAS, SUMMA THEOLOGICA, Supp., Q.49, art. 2, reply obj. 1, at 2738 (Fathers of the English Dominican Province trans., Benziger Brothers, Inc. 1948) ("Offspring signifies not only the begetting of children, but also their education, to which as its end is directed the entire communion of works that exists between man and wife as united in marriage.").

See id. at Supp., Q.49, art. 3, at 2739 ("[I]t is clear that offspring is the most essential thing in marriage.").

See supra note 127.

See SUMMA THEOLOGICA, supra note 18, at pt. I, Q.101, art. 1, at 523 ("[I]n the state of innocence children would not have been born with perfect knowledge, but in course of time they would have acquired knowledge without difficulty by discovery or learning.").

See id. at pt. I, Q.101, art. 2, at 523 ("In all things produced by generation nature proceeds from the imperfect to the perfect. Therefore children would not have had the perfect use of reason from the very outset.").

Id. at pt. II-II, Q.10, art. 12, at 437.

See id. St. Thomas states:

As soon, however, as [the child] begins to have the use of its free choice, it
would have sanctioned parental seizures of adult cult members for deprogramming. The adult child, capable of exercising reason and free choice, thus "belong[s] to itself."\footnote{St. Thomas notes the undesirable ability of heretics to lead “the faith of simple-minded persons” astray. See \textit{SUMMA THEOLOGICA}, \textit{supra} note 18, at pt. II-II, Q.1, art.9, reply obj.2, at 389.} Consistent with St. Thomas’s beliefs, therefore, parents may attempt to convert the child through persuasion, but not through force.\footnote{Id. at pt. II-II, Q.10, art. 7, at 431.}

St. Thomas’s probable rejection of the contemporary view that cult members are victims of mind control\footnote{See \textit{id.} at pt. II-II, Q.10, art. 8, at 432 (“[T]here are unbelievers who at some time have accepted the faith, and professed it, such as heretics and all apostates. Such should be submitted even to bodily compulsion, that they may fulfil what they have promised, and hold what they at one time received.”).} suggests that he would be unsympathetic to deprogramming conducted to restore reason and free will to cult members. His belief that children are emancipated from parental authority upon attaining reason\footnote{Note, however, that St. Thomas would likely have approved of the forcible extrication of an adult child who had received the Christian faith at one point in his adult life, but later joined a heretical religious cult. See \textit{infra} notes 141–42 and accompanying text.} also supports an argument that he would disapprove of efforts to deprogram adult cult members today. St. Thomas’s disdain for unbelief\footnote{St. Thomas did not regard unbelievers as victims of mind control because he believed both unbelief and faith to be acts of the will and the intellect. See \textit{supra} notes 113, 115–18 and accompanying text.} and his recognition of its dangers,\footnote{St. Thomas notes the undesirable ability of heretics to lead “the faith of simple-minded persons” astray. See \textit{SUMMA THEOLOGICA}, \textit{supra} note 18, at pt. II-II, Q.1, art.9, reply obj.2, at 389.} however, led to his support of the use of deprogramming-like tactics against certain unbelievers to protect the “simple-minded people.” He promoted the use of physical force, akin to the involuntary containment exercised during deprogramming,\footnote{See \textit{id.} at pt. II-II, Q.10, art. 8, at 432 (“[T]here are unbelievers who at some time have accepted the faith, and professed it, such as heretics and all apostates. Such should be submitted even to bodily compulsion, that they may fulfil what they have promised, and hold what they at one time received.”).} to return heretics and apostates who “at some time accepted the

\begin{itemize}
\item begins to belong to itself, and is able to look after itself, in matters concerning the Divine or the natural law; and then it should be induced, not by compulsion but by persuasion, to embrace the faith. It can then consent to the faith, and be baptized, even against its parents’ wish.
\end{itemize}

\textit{Id.}

Note that free choice involves the use of reason. See \textit{id.} at pt. I, Q.83, art. 1, at 437. ("[M]an acts from judgment . . . . But because this judgment, in the case of some particular act, is not from a natural instinct, but from some act of comparison in the reason, therefore he acts from free judgment.").

\footnote{Id. at pt. II-II, Q.10, art. 12, at 437.}

\footnote{Note that free choice involves the use of reason. See \textit{id.} at pt. I, Q.83, art. 1, at 437. ("[M]an acts from judgment . . . . But because this judgment, in the case of some particular act, is not from a natural instinct, but from some act of comparison in the reason, therefore he acts from free judgment.").}

\footnote{Note, however, that St. Thomas would likely have approved of the forcible extrication of an adult child who had received the Christian faith at one point in his adult life, but later joined a heretical religious cult. See \textit{infra} notes 141–42 and accompanying text.}

\footnote{St. Thomas did not regard unbelievers as victims of mind control because he believed both unbelief and faith to be acts of the will and the intellect. See \textit{supra} notes 113, 115–18 and accompanying text.}

\footnote{See \textit{ supra} text accompanying note 132.}

\footnote{See \textit{ supra} notes 40–42, 44 and text accompanying notes 46–47.}

\footnote{St. Thomas notes the undesirable ability of heretics to lead “the faith of simple-minded persons” astray. See \textit{SUMMA THEOLOGICA}, \textit{supra} note 18, at pt. II-II, Q.1, art.9, reply obj.2, at 389.}

\footnote{Id. at pt. II-II, Q.10, art. 7, at 431.}

\footnote{See \textit{id.} at pt. II-II, Q.10, art. 8, at 432 (“[T]here are unbelievers who at some time have accepted the faith, and professed it, such as heretics and all apostates. Such should be submitted even to bodily compulsion, that they may fulfil what they have promised, and hold what they at one time received.”).}
faith, and professed it\textsuperscript{142} back to Christianity. St. Thomas would likely have gone further than modern-day deprogrammers and parents to protect the Christian faith.\textsuperscript{143} He believed heretics' and apostates' sins of unbelief to be so grave\textsuperscript{144} that excommunication from the Church and condemnation to death by secular authorities were justified.\textsuperscript{145} For the less sinful unbelievers who had never received the faith,\textsuperscript{146} St. Thomas merely advocated public rebuke to hinder their efforts to corrupt and “pervert[] . . . the truth of faith.”\textsuperscript{147} St. Thomas contended that these unbelievers ought not be prevented from embracing their own faith and beliefs.\textsuperscript{148}

CONCLUSION

The anti-cult movement continues tenaciously to resist the influence of religious cults that use coercive persuasion and mind control to indoctrinate members. After Katz and the choice of evils/necessity doctrine's failures as an effective defense, however, many deprogrammers, in fear of criminal and civil liability, have become reluctant to participate in involuntary deprogramming. Although deprogramming does not violate the First Amendment's freedom of religion/freedom of association guaran-

\textsuperscript{143} \textit{Id.} at pt. II-II, Q.10, art.8, at 432.

\textsuperscript{144} \textit{See id.} at pt. II-II, Q.11, art. 2, at 439 (“We are speaking of heresy now as denoting a corruption of Christian faith.”); \textit{see also id.} at pt. II-II, Q.12, art. 2, reply obj. 3, at 444 (“Apostasy from the faith severs man from God altogether . . . which is not the case in any other sin.”).

\textsuperscript{145} \textit{See id.} at pt. II-II, Q.10, art. 3, at 428 (“The sin of unbelief is greater than any sin that occurs in the perversion of morals.”); \textit{see also supra} notes 141–42 and accompanying text.

\textsuperscript{146} \textit{See SUMMA THEOLOGICA, supra} note 18, at pt. II–II, Q.11, art. 3, at 440. [A]fter the first and second admonition . . . if [the heretic or apostate] is yet stubborn, the Church no longer hoping for his conversion, looks to the salvation of others, by excommunicating him and separating him from the Church, and furthermore delivers him to the secular tribunal to be exterminated from the world by death.

\textit{Id.}

\textsuperscript{147} Unbelievers who have never received the faith “are damned . . . on account of other sins, which cannot be taken away without faith, but not on account of their sin of unbelief.” \textit{See id.} at pt. II-II, Q.10, art. 1, at 427. Unbelievers who have received the faith and subsequently rejected it, however, commit the greatest of sins. \textit{See supra} notes 141–42 and accompanying text.

\textsuperscript{148} \textit{Id.} at pt. II–II, Q.10, art. 7, at 432.

\textsuperscript{149} \textit{See id.} at pt. II–II, Q.10, art. 8, at 432 (“Among unbelievers there are some who have never received the faith . . . and these are by no means to be compelled to the faith, in order that they may believe, because to believe depends on the will.”).
if the cult member's association is not based on a freely willed choice, parents and deprogrammers must still overcome substantial burdens in actually proving both the existence of coercive persuasion and its deleterious effects.

St. Thomas's advocacy of deprogramming for heretics and apostates who once had knowledge of the faith is based solely on theological grounds. Though he probably would have considered the use of any coercive persuasion or mind control for religious indoctrination a heretical divergence from true faith that justifies deprogramming, his concept of "unbelief" would condemn far too many religious groups to pass modern constitutional and judicial standards. Rather, modern courts appear to agree with St. Thomas's belief that misguided faith, i.e., cult membership, is the product of free will; they are ambivalent about the alleged cult use of mind control. As long as an adult cult member appears to exercise power over his own will and intellect, courts have held that the member's decision to associate with a particular religious group is an exercise of free will worthy of constitutional protection.

Catherine Wong