

**Submission
No 170**

**INQUIRY INTO THE RECRUITMENT METHODS AND IMPACTS OF
CULTS AND ORGANISED FRINGE GROUPS**

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Inquiry into the recruitment methods and impacts of cults and organised fringe groups

Introduction

This inquiry is of concern for people of faith across Australia, not just in Victoria, and particularly those who belong to minority religions who have chosen to follow a spiritual path outside the historical mainstream. While the Parliamentary Legal and Social Issues Committee (henceforth the Parliamentary Committee) has tried to emphasize in press releases and in other publicity material that this inquiry is “not about judging or questioning anyone’s beliefs,” it is difficult to see how this will not be the result. The actions of religious individuals and groups flow from their beliefs, encouraging members to behave in certain ways – with both potentially positive and occasionally negative consequences.

Australia has a history of wider societal interactions with various minority religions and many of these have been far from positive and often involving disproportionate actions being taken against minority groups.¹ The State of Victoria, for example, has the dubious distinction of having previously conducted a highly partisan inquiry into one minority religious group and subsequently banning this group by legislation. This legislation proved unworkable and was eventually overturned, but it has left a very negative legacy.²

At the very least, it appears that this inquiry may be intended as a public shaming exercise against a series of small religious groups some of whose practices – while not illegal – run counter to prevailing social norms and have proved unpopular with sectors of the wider Victorian body politic. This type of prejudicial exercise runs counter to the values of multiculturalism and religious diversity which are otherwise championed in the State of Victoria. We are reminded of the words of the late Professor Gary Bouma of Monash University when last an Australian government decided to examine this issue following a spate of negative media reporting on one particularly religious group,³ “cults are the cost of an open society” and “the costs of living in an open and religiously diverse society are much preferred to those of closed and repressive ones.”⁴

As two scholars who have specialized in the study of minority religions and the law, we submit that this inquiry is unnecessary, undesirable, and fundamentally flawed in its conception, both in its nebulous conceptualization of what constitutes a “cult” and the more substantive question of whether such a dubious category can be utilised in an empirically and legally valid way without infringing on the legal protections and human rights accorded to minority religious groups. It is a historical principle in

Australian law that s. 116 of the Australian Constitution exists in part to signal the need to protect minority groups. As Latham CJ noted in *Adelaide Co of Jehovah's Witnesses Inc v Commonwealth* (1943):

The religion of the majority of the people can look after itself. Section 116 is required to protect the religion (or absence of religion) of minorities, and, in particular, of unpopular minorities.

It is our considered view, formed by many years of engaging with responsible scholarship in this area, that this inquiry is prejudicially aimed at minority religious groups—which it pejoratively labels “cults”—and has the very real potential to contravene protections given under law to religion in Australia more generally. These protections include those such as the section 14 of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) which provides:

14 Freedom of thought, conscience, religion and belief

(1) Every person has the right to freedom of thought, conscience, religion and belief, including—

(a) the freedom to have or to adopt a religion or belief of that person's choice;
and

(b) the freedom to demonstrate that person's religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private.

(2) A person must not be coerced or restrained in a way that limits that person's freedom to have or adopt a religion or belief in worship, observance, practice or teaching.

Australian case law makes no legal distinction between a “cult” and a “religion.” The attempts made in the “Guidance Note” to distinguish between “cults” or “organised fringe groups” and religion appear, on a more cynical reading, to demonstrate an intention to circumvent protections given to the freedom of thought, conscience, religion and belief and nullify the human rights obligations associated with these freedoms under several international legal instruments. From a scholarly perspective, it is difficult to see how this inquiry is not aimed squarely at minority religious groups who have been labelled “cults” by detractors – indeed media coverage surrounding the calling of this inquiry strongly indicates that it was initially instigated by negative media reporting related to the Geelong Revival Centre, a small conservative Pentecostal church.⁵ Subsequent media reporting has named a variety of minority religious groups who might be affected – we choose not to name any other particular

religious groups here. Many of these minority groups, most of which are law-abiding religious organisations, are concerned that this inquiry is a proverbial “witch-hunt.”

As scholars of religion and law, our primary concerns are twofold. First, that the language surrounding “cults” utilized by this inquiry in the Terms of Reference and throughout the “Guidance note” is empirically invalid and, secondly, that various aspects of the wider scholarly discussion of coercive control are being unreasonably and inaccurately extended beyond their appropriate legal and analytical context and applied to religious groups. We set out our reasoning below.

The Definition of “cult.”

The definition of a “cult” provided in the “Guidance note” cited from Louis Jolyon West and Michael Langone, is old and deeply problematic. It reads:

...a group or movement exhibiting a great or excessive devotion or dedication to some person, idea, or thing **and** employing unethically manipulative techniques of persuasion and control (e.g., isolation from former friends and family, debilitation, use of special methods to heighten suggestibility and subservience, powerful group pressures, information management, suspension of individuality or critical judgement, promotion of total dependency on the group and fear of leaving it, etc.), designed to advance the goals of the group’s leaders, to the actual or possible detriment of members, their families, or the community.⁶

This definition is derived from the area of “cultic studies,” a minority position within the wider study of new and emergent religions which is not representative of the wider consensus within academic study of religion.⁷ As a recent article, which described at lengths the weaknesses of the “cultic studies” paradigm, observes:

The larger body of NRM scholars—comprising sociologists of religion, religious studies scholars, historians of religion, and some psychologists—generally agree that while some New Religions may engage in forms of psychological coercion, their methods do not go beyond those already well-established in social psychology, and are not qualitatively distinguishable from those found in other religious groups or social settings.⁸

The Parliamentary Committee’s choice of a definition (which it does not provide a reference for) is from two scholars representative of the “cultic studies” paradigm whose work has been heavily criticized in the wider study of new religious movements.⁹ In the wider study of religion there is no agreed definition of the term “cult.” The term has proven so problematic that it has largely been abandoned in wider scholarship outside of the “cultic studies” paradigm or when used in

responsible scholarship done with significant caution. What is referred to as “cult” rhetoric has been heavily criticized by responsible researchers (see below). The term, however, continues to be irresponsibly used in popular parlance—particularly in the media—without attention to the nuances of meaning or its problematic nature, or with any recognition of how it prejudices people against groups who have been labelled as “cults.”¹⁰

To use this “widely adopted definition” completely ignores the very serious scholarly problems which have developed around the language of “cults,” and which have been extensively documented in academic literature dating back to the 1970s.¹¹ These scholarly debates have established that the term “cult” itself as a term of opprobrium which prejudices people against groups denominated as such. To quote from the leading British-American historian of religion Philip Jenkins’ summary of these discussions:

The word “cult” has acquired over the last century or so such horrible connotations that it can scarcely be used as an objective social scientific description. It is a pejorative word only used by enemies or critics of the movement concerned.¹²

Later, Jenkins is more emphatic:

Cults differ from churches in no particular aspect of behaviour or belief, and the very term “cult” is a strictly subjective one; it tells us as much about the people applying the label as it does about the group that is so described.¹³

He further notes:

Briefly, cults are small, unpopular religious bodies, the implication being that much of their cultish quality comes not from any inherent qualities of the groups themselves, but from the public reaction to them.¹⁴

Jenkins’ book goes on to document a series of “cult scares” over American history, periods of heightened concern over various aspects of perceived religious deviance. This historical perspective can be easily applied to the Australian context, where similar patterns of “cult controversy” can be discerned, usually driven by wider societal concerns external to minority religions more broadly.¹⁵ From a historical perspective, we suggest that this latest inquiry is tied primarily to wider societal concerns about domestic and family violence and an attempt by some social actors in the media and among some disaffected former members of unpopular religious groups to extend the conceptual ideas regarding “coercive control” into an inappropriate and prejudicial pursuit of minority religions.

While the Committee's "Guidance Note" has indicated that "labelling a group as a cult without clear, objective criteria can lead to stigma, misrepresentation, and potential infringement on rights such as freedom of belief or association," the inquiry itself is premised on the dubious judgement that such "clear, objective criteria" exist and that what constitutes a "cult" can be qualitatively distinguished from what constitutes a "religion." When the word "cult" is used, the users thus beg the question and infer from the outset that the labelled organisations are engaging in some kind of ill-defined but distinctly pernicious and malevolent practices which somehow go beyond the practices of other social groups or more mainstream religions. This is demonstrably not the case, and it is unworthy of an official government Inquiry to begin from such a premise, as any serious scholar of religion can attest.¹⁶

To be emphatic, no "clear, objective criteria" for distinguishing a "cult"—as distinct from any other forms of religion—exist. The sample definition given in the "Guidance Note" is so broad and so subjective as to be empirically—not to mention legally—untenable.¹⁷ It follows from this that all the aspects included in the problematic definition of West and Langone, as well as all the "tactics" noted in the "Guidance note" can be reasonably applied to a variety of different social groups—including more mainstream religious bodies. The "Guidance Note" acknowledges as much when it notes that: "Harmful or abusive practices can happen in any group—religious or not—and our concern is with those actions, not the beliefs behind them." By attempting to distinguish a "cult" from these other groups it appears quite clear that the Committee has a particular set of minority groups—those which have been labelled "cults"—in mind, while not having a clear and objective set of criteria for what makes these groups "cults" in the first place. The argumentation is circular. It has been stated to one of the authors of this submission by one member of the Committee that there is no intention of looking at "mainstream religions" here, but that very concession raises questions about the objectivity of the Inquiry. Indeed, initial commentary on this Inquiry has in some instances focused on groups which identify as Christian churches.

If the Inquiry is serious about examining abuse within religious or organizational settings—rather than seeking to investigate a small body of minority religious groups considered undesirable by the media and wider public—then it should examine potentially abusive behaviour in all religious bodies and organised groups, as was the case with the Federal Royal Commission into Institutional Responses to Child Sexual Abuse (2013–2017).

Moreover, the idea of the "organised fringe group" provided in the "Guidance note" is even more nebulous and relies on the even vaguer notion of "cult-like tactics." The use of analogous or related terms like "cult-like" or "high-demand religion" have been

observed to present similar problems related to objective criteria and empirical validity.¹⁸

While the usage of the term “cult” lacks empirical and classificatory validity, what has been empirically demonstrated is that the word “cult” and the *rhetoric* surrounding it are primarily used by parties seeking to delegitimize minority religious groups. As one leading sociologist of religion and law, Emeritus Professor James T. Richardson observed:

If those opposing certain groups can successfully attach the label “cult” to a group, then they virtually automatically get to heap negative baggage of the popular definition on that group. In short, the term has become a “social weapon” to use against groups who are not viewed with favor.¹⁹

Indeed, the issues of “cult” rhetoric and its problems has been discussed at length within the international scholarly community, including as recently as 2022 on a panel of the British Association for the Study of Religion. (We strongly advise the Committee to consult the published version of that panel²⁰). Books have also recently been published,²¹ and dedicated issues of scholarly journals have discussed these problems.²² Australian scholars, including one of the authors, have contributed to these discussions – with specific reference to the often superficial and disingenuous adoption of “coercive control” language and ideas by writers within the “cultic studies” paradigm.²³

We believe that it is fair to say that it is the consensus view of the wider, international scholarly community that the term “cult” is best used sparingly or not at all.²⁴ Following on from this, it is our further contention that labelling the groups investigated in this inquiry as “cults” can only act negatively on these minority religious groups and their adherents. The Rev. H. James Yamauchi S.J. Professor of the History of Religions at Loyola University, Catherine Wessinger, has highlighted this problem with appropriate *gravitas*:

Today *cult* is a put-down, an insult conveying that a group is despised by the social mainstream. *Cult* has become a word that expresses prejudice against a religious group. It imposes on the group a simplistic stereotype that is assumed to be true. Most Americans are not yet aware of the bigoted stereotype conveyed in the word *cult* as it is applied to religions that people don’t understand and don’t like. It expresses prejudice and antagonism as much as racial slurs and insulting words for women and homosexuals. *Cult* represents an oversimplified and bigoted stereotype that is applied to numerous diverse religions.

It is important that people become aware of the bigotry conveyed by *cult*. The word *cult* dehumanizes the religion's members and their children. It strongly implies that these people are deviants; they are seen as crazy, brainwashed, duped by their leader. When we label people as subhuman, we create a context in which it is considered virtuous to kill them.²⁵

We strongly believe that minority religious groups should be granted the same consideration and protections under the law as other larger religious bodies, while also reminding them that they are not above these laws. They should not be the subject of witch-hunts. It is our contention that there are sufficient legal avenues for the regulation of religion and similarly legal remedies for addressing abuse within religions—both majority and minority—in the pre-existing law codes. Should breaches of the law be suspected or detected then the police are the correct body to investigate and prosecute any illegal acts. It is not the place of parliament to conduct investigations of this kind. Additional laws targeting specific religious groups labelled as “cults” are both unnecessary and undesirable and would by their very nature constitute discrimination against religion.

Confusion Relating to “Cults” and “Coercive Control.”

Scholarship has recently highlighted some of the ways in which many discredited ideas, rejected within the wider academic community—not least that of “brainwashing”—have been surreptitiously revived in some “cultic studies” networks and through their analogous and over-simplified application conflated with wider societal discussions and concerns regarding of coercive control.²⁶ Already in media coverage surrounding this inquiry the deeply problematic language of “brainwashing” has reemerged.

While some commonalities certainly exist in terms of the tactics utilised by abusers and some of the types of abuse which have taken place in religious settings, we suggest that the pre-existing legislation in the criminal code is sufficient to deal with abuses when they arise. Coercive control provisions in pre-existing legislation are properly applied to intimate-partner coercion, regardless of whether the perpetrator or victim is a member of a religion, such provisions are not designed to be used for the regulation or policing of religious groups. We believe that to extend coercive control provisions in pre-existing laws beyond their designed purpose runs the risk of making them so subjective and so broad as to be judicially useless.

The issues of domestic and family violence should be treated seriously without confusing or conflating them with unhelpful and unproductive discussions about so-called “cults.” These are two distinct social phenomena and should be kept separate. We say this while at the same time recognising that coercive control can have a

spiritual dimension and that members of religious groups—both majority and minority—can be perpetrators. However, when they are found to be perpetrators then there are sufficient legal avenues to deal with this – religion does not protect abusers here.

Coercive control provisions within legislation in Victoria are already quite new, and their application in case law is still being settled. We submit that it would be premature and unwise to extend coercive control provisions until these have been demonstrated to work in the intimate domestic violence context and to demonstrate that such provisions would enable the prosecution of crime in other fields because existing law is not sufficient to combat crime in those fields.

Conclusion and Recommendations

We suggest that the Terms of Reference and “Guidance Note” of this Inquiry are flawed and that the Inquiry itself is unnecessary and undesirable. Any move to extend pre-existing laws related to coercive control to encompass “cults”—given the problematic way it is defined in the Inquiry’s documentation muddies the legal issues and will inevitably lead to abuses within the legal system.

Moreover, we are concerned that any legislative changes which use the terms “cult” and “coercive control” together. Such laws will undermine the human rights of minority religious believers that are well settled in the international human rights instruments that informed the passage of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) into Victorian law.

Religion, like any other facet of social life, is susceptible to unscrupulous individuals or groups of individuals. We have both been involved in the study of religion in Australia for a long time and have no illusions about abusive behaviour which can and has taken place in religion. When such activity is uncovered it can and has been met with criminal prosecution. We believe that Victorian has sufficient criminal laws to prosecute crimes when they are uncovered or reported, religious groups and practitioners—both majority and minority—are not above these laws.

Despite our serious misgivings about the conceptualization of this Inquiry, and its preliminary framing of the issues, both authors of this submission are very willing to assist the Parliamentary Committee in its deliberations on specific issues, including providing impartial expertise on some of the minority religions which may be examined as part of the Inquiry or with regard to a wider religious context regarding various practices of religious groups which have been flagged in the “Guidance Note.” We are both similarly willing to appear as witnesses of any hearings of the Inquiry should that be deemed desirable by the Parliamentary Committee.

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¹ For two surveys, see here Bernard Doherty, “Strange Gods in a Great Southern Land,” *Nova Religio* 24(1) (2020): 5–30 [**Attachment 1**]; “The “Other” Sectarianism: Australian Christians at the Borderlands of Religious Pluralism 1850–2000,” *LUCAS* 2(1) (2020): 85–121 [**Attachment 2**].

² On this see Doherty, “Strange Gods in a Great Southern Land,” 6–9. See also, Bernard Doherty “Colonial Justice or a Kangaroo Court: Public Controversy and the Church of Scientology in 1960s Australia,” *Alternative Spirituality and Religion Review* 6(1) (2015): 9–49 [**Attachment 3**]. The Church of “The Anderson Inquiry and Its Australian Aftermath 1963–1973,” in *The Handbook of Scientology*, edited by James R. Lewis and Kjersti Hellesøy (Leiden: Brill, 2017), 249–78 [**Attachment 4**]; Bernard Doherty and James T. Richardson “Litigation, liberty, and legitimation: the experience of the Church of Scientology in Australian law,” *St Mark’s Review* 247 (1) (2019): 61–81 [**Attachment 5**].

³ On this case see Bernard Doherty, “Sensational Scientology: The Church of Scientology and Australian Tabloid Television,” *Nova Religio* 17(3) (2014): 38–63 [**Attachment 6**].

⁴ See Garry Bouma, “Cults are the cost of an open society,” *ABC Religion and Ethics*, 15 November 2011,

<https://www.abc.net.au/religion/cults-are-the-cost-of-open-society/10101014>

⁵ See guidance note: “Recent events in Victoria have raised concerns about the techniques being used by certain groups to attract and retain members, and whether they amount to coercion that should be criminalised”

⁶ Louis Jolyon West and Michael D. Langone, “Cultism: A conference for scholars and policy makers,” *Cultic Studies Journal* 3 (1986): 117–34 online at:

[ICSA Articles 1 - Cultism: A Conference for Scholars-Policy Makers](#)

⁷ On the minority “cultic studies” paradigm, see W. Michael Ashcraft, *A Historical Introduction to the Study of New Religious Movements* (London: Routledge, 2019), 142–79.

⁸ Erin M. Sessions and Bernard Doherty, “ ‘Cults’, Coercion, and Control: Rhetoric, Reality, and the Return of “Brainwashing”?” *Implicit Religion* 24.2 (2021): 161–94 (172) [**Attachment 7**].

⁹ See e.g., George D. Chryssides, “Cult critics and cult apologists: Can there be middle ground?” *Wuhan Journal of Cultic Studies* 1.1 (2021): 64–82.

¹⁰ See e.g., the social-psychological studies P.J. Olsen, “The Public Perception of “Cults” and “New Religious Movements,” *Journal for the Scientific Study of Religion* 45.1 (2006): 97–106 and J.E. Pfeifer, “The Psychological Framing of Cults: Schematic Representations and Cult Evaluations.” *Journal of Applied Social Psychology* 22.7 (1992): 531–44.

¹¹ For discussions of this issue see, e.g. Robert Ellwood, “The Several Meanings of Cult,” *Thought* 61(2) (1986): 212–24; J. Gordon Melton, *Encyclopedic Handbook of Cults in America* (New York: Garland, 1986), 3–20; James T. Richardson, “Definitions of Cult: Definitions of Cult: From Sociological-Technical to Popular-Negative,” *Review of Religious Research* 34 (4) (1993): 348–56.

¹² Philip Jenkins, *Mystics and Messiahs: Cults and New Religions in American History* (Oxford: Oxford University Press, 2000), 14.

¹³ Jenkins, *Mystics and Messiahs*, 14.

¹⁴ Jenkins, *Mystics and Messiahs*, 18.

¹⁵ See e.g., Doherty, “Strange Gods in a Great Southern Land,” 5–30.

¹⁶ Even those writing in a “cultic studies” paradigm acknowledge these issues, see e.g., Herbert L. Rosedale and Michael D. Langone, “On Using the Term “Cult”,” *ICSA Today* 6.3 (2015): 4–6 online at:

[Cult Info Since 1979 - On Using the Term "Cult"](#)

¹⁷ On this issue see George D. Chryssides,

¹⁸ On these circumlocutions, see Joseph P. Laycock. “A Cult by Any Other Name: Is “High Demand Group” a Useful Category?” *Nova Religio* 28.1 (2024): 90–104.

¹⁹ James T. Richardson, “Definitions of Cult,” 352.

²⁰ Aled Thomas, George D. Chryssides, Suzanne Newcombe, Edward Graham-Hyde, Sarah Harvey, and Donald A. Westbrook, “Perspectives on ‘Cult’ Rhetoric (And Its Failure).” *Journal of the British Association for the Study of Religions* 24 (2023): 42–51.

²¹ Aled Thomas and Edward Graham-Hyde (eds.), *‘Cult’ Rhetoric in the 21st Century: Deconstructing the Study of New Religious Movements* (London: Bloomsbury, 2024).

²² See here the journal *Implicit Religion* 24.2: Special Issue: The Return of the Cult: Bad Religion in the Age of Trump and COVID. <https://journal.equinoxpub.com/IR/issue/view/2163>

²³ See Sessions and Doherty, “ ‘Cults’, Coercion, and Control.”

²⁴ For a helpful statement of this see the helpful discussion in William Douglas Woody, “Use of Cult in the Teaching of Psychology of Religion and Spirituality,” *Psychology of Religion and Spirituality* 1.4 (2009): 218–32.

²⁵ Catherine Wessinger, *How the Millennium Comes Violently: From Jonestown to Heaven’s Gate* (London: Seven Bridges Press, 2000), 3

²⁶ See Sessions and Doherty. “ ‘Cults’, Coercion, and Control.”