

## Jehovah's Witnesses and the Human Rights

In a 1993 book titled "Jehovah's Witnesses—Proclaimers of God's Kingdom", the movement traces back, in chapter 30, under the heading 'Defending and Legally Establishing the Good News', the history of the legal battles for its civil rights. The 15 pages report, goes through several of the thousands of cases it had to sustain during the period 1918-1950, as, for example, the 1660 court German cases (1928) and the 1149 arrests in the USA (1936).

The article starts with the following statement:

\*\*\* jv chap. 30 p. 678 'Defending and Legally Establishing the Good News' \*\*\*

**THE intense persecution brought upon Jehovah's Witnesses has resulted in their being haled before police officials, judges, and rulers earth wide. Legal cases involving the Witnesses have numbered many thousands, and hundreds of these have been appealed to higher courts. This has had a profound effect on the law itself and has often fortified legal guarantees of basic freedoms for people in general.**

To support that statement, the article goes on saying:

\*\*\* jv chap. 30 pp. 698-699 'Defending and Legally Establishing the Good News' \*\*\*

**Every American law student well knows the contribution made by Jehovah's Witnesses to the defense of civil rights in the United States.**

Two of these are quoted:

- **"The Debt of Constitutional Law to Jehovah's Witnesses"**  
Minnesota Law Review, March 1944
- **"A Catalyst for the Evolution of Constitutional Law: Jehovah's Witnesses in the Supreme Court"**  
University of Cincinnati Law Review, 1987.

## Laid claim to “civil rights”

What are the civil rights referred to in the article?

Basically, these are freedom of speech, freedom of the press and freedom of religion, which, for Jehovah’s Witnesses, includes the right to **meet** peacefully for worship and to **proselytize**, distributing their own printed material.

It is obvious that, in dictatorial nations, these rights were non-existing, not only for Jehovah’s Witnesses, but for anyone who would oppose the State or even, just be in competition to it.

For example, it was not due to victories in court cases against the Nazi regime that Jehovah’s Witnesses or any other minority group finally obtained their civil rights, but rather, due to fall of the regime itself.

The same has happened after World War Two. It is only after the dissolution of the Soviet Union, for example, that Jehovah’s Witnesses and other religious movements gained access to their civil rights, although not always completely.

On the other hand, democratic States already had National Constitutions that grant civil rights, although not always extended to religious or non-religious minorities.

## **“Persecution”**

The article referred to at the beginning of this talk seems to suggest that Jehovah’s Witnesses implications with the Justice were due to a kind of “persecution” towards them.

Obviously, in the case of totalitarian nations, any kind of restriction imposed by the State can easily be seen as a form of “persecution” by those who are subject to. However, when this happens it is not, generally, imposed on a specific religious movement only.

On the other hand, when, in democratic States, only some denominations, usually the larger historical ones, can enjoy the religious rights, it is normal to refer to it as “discriminatory” if not rightly “persecutory”.

This is what has really happened in the USA, Canada and many other democratic nations where Jehovah’s Witnesses civil rights were restricted if not completely denied, preventing them from meeting peacefully or

participating to their proselytizing activity. The aforesaid article suggests that the so called “persecution” was due to the pressure on the State by other mainstream religious organizations, to prevent their growth if not even their own existence.

This is why, in similar cases, the described interference of the clergy is defined “persecution” by Jehovah’s Witnesses.

### **Other rights acquired legally**

However, in addition to trials won for obvious democratic reasons, Jehovah’s Witnesses are also known for other lawsuits won on principles based on their peculiar interpretation of the Bible.

On this ground, their position regarding the flag-salute and the pledge of allegiance is emblematic. Their **refusal** to comply has cost them several lawsuits in front of US and Canadian Courts. At the end, on the nation’s annual Flag Day, June 14<sup>th</sup> 1943, Jehovah’s Witnesses finally won their case in front of the Supreme Court of the USA.

This is why it is stated that “every American law student well knows the contribution made by Jehovah’s Witnesses to the defense of civil rights in the United States”.

### **Practices not supported by “religious freedom”**

In spite of all that, not always has Jehovah’s Witnesses peculiar interpretation of the Bible been recognized by the Courts as acceptable practices under the principle of “religious freedom”.

### **Blood transfusion refusal on minors**

Jehovah’s Witnesses position as to blood transfusions is, by now, more than well known. The exact number of faithful followers who have died in observance of this interpretation of the Bible is not known, but the media have given large echo to such dramatic cases created by this firm position.

It is true that, because of their interpretation, Jehovah's Witnesses had to defend themselves in front of the Courts and have won several trials in this

respect. They claimed their freedom to the choice of medical treatments, preferring alternate methods even if, in some cases, the patients could not be saved. However, the lawsuits won in this respect involved, basically, adult patients.

As far as minor patients is concerned, given the parents' refusal to accept a blood transfusion, hospitals and doctors have appealed to the Courts to save their lives by obtaining a legal injunction to bypass the parent's refusal.

In other cases, however, the Court has recognized some young patients as "mature minor" allowing them to choose freely their medical treatment, including their refusal of blood transfusions, which, in some cases, end up with the death of the patient, like the case of Adrian Yeatts reported in the *Awake!* magazine of the movement, of May 22 of 1994, as if he was a martyr.

### *Refusal of military service and its substitutional civil service*

Between the several peculiar interpretations of the Bible by Jehovah's Witnesses one is referred to as "Christian neutrality".

One of the aspects of this doctrine is the military service refusal.

It is understandable that people who pretend to love their neighbours, like for example Jehovah's Witnesses, refuse to kill human beings and even to learn how to kill, which is the main purpose of the military service.

What in fact is difficult to explain is to refuse not only the military service, but even the "substitutional civil service" offered to "conscientious objectors".

This is what we read in their publications:

\*\*\* **yb91** p. 166 **Sweden** \*\*\* **Renewed Attempts to Seek Compromise**

After this decision was made by parliament, attempts have been made to have us substitute compulsory work for military service. In the early 1970's, a governmental committee was appointed to review the handling of conscientious objectors. For the sake of uniformity, the authorities wanted Jehovah's Witnesses to serve on terms similar to those for other religious groups and do compulsory work as a substitute.

**Representatives of the branch office appeared before the committee, explaining that the Witnesses could not accept any substitute for military service whatsoever, no matter how praiseworthy the task.**

\*\*\* uw chap. 21 p. 167 par. 14 “They Are No Part of the World” \*\*\* [United in worship - 1983]

<sup>14</sup> An examination of the historical facts shows that not only have Jehovah’s Witnesses refused to put on military uniforms and take up arms but, during the past half century and more, they have also declined to do noncombatant service or to accept other work assignments as a substitute for military service.

Unfortunately, to stand by this peculiar interpretation of the Bible, thousands of Jehovah’s Witnesses, who did not recognize themselves as “conscientious objectors”, ended up in military prisons for their refusal to “compromise with the State”.

### Movement Leaders *rethink* their religious rights

Anyhow, the extreme positions adopted by the movement Leaders in relation to military service and blood transfusions have never been fully supported by the Courts.

In those two particular areas, the Leaders of the movement, rather than the Courts had to come back on their positions.

### Military Service:

As far as the military service is concerned, finally, in 1996, the Governing Body of the movement gave up punishing those who choose to accept a substitutional civil service.

Here is the way they put it:

\*\*\* w96 5/1 p. 20 par. 21 Paying Back Caesar’s Things to Caesar \*\*\*

What if the Christian’s honest answers to such questions lead him to conclude that the national civilian service is a “good work” that he can perform in obedience to the authorities? That is his decision before Jehovah. Appointed elders and others should fully respect the conscience of the brother and continue to regard him as a Christian in good standing.

At that time, it also happened that the majority of democratic nations gave up compulsory military service, freeing suddenly “conscientious objectors” and, Jehovah’s Witnesses to fight for their “Christian neutrality”.

## Blood Transfusions:

The same thing happened with their blunt refusal of blood transfusion and its by-products, position on which Jehovah's Witnesses stood for decades, even at the cost of their life.

Although the ban on whole blood still persists, since the early '80, a new interpretation by the Leadership of the movement granted its members use of fractions of blood plasma such as "immune globulin" and albumin.

In the year 2000, the authorized list kept on growing, adding fractions of red cells, white cells and platelets as, for example, interferons and interleukins. On these fractions, the Watchtower magazine of June 15<sup>th</sup> 2000, answers a "Question from readers" in these terms:

\*\*\* w00 6/15 p. 30 Questions From Readers \*\*\*

*"Such therapies are not transfusions of those primary components; they usually involve parts or fractions thereof. Should Christians accept these fractions in medical treatment? We cannot say. The Bible does not give details, so a Christian must make his own conscientious decision before God."*

While in the past, to remain faithful, a Witness had to face death, now, thanks to this gimmick of the Leadership, may allow the patient to save his life – strangely, it seems that all JW patient's conscience react in the same way!

While the use of blood fractions is the right solution for certain pathologies or programmed surgical interventions, they are not panacea. The main problem remains, when serious situations arose unexpectedly, such as an accident or an internal bleeding. In these cases there are no alternatives; one has to face a death risk.

In these cases, the position of the movement has not changed. This is what the aforesaid magazine states:

\*\*\* w00 6/15 p. 29 Questions From Readers \*\*\*

Today, most transfusions are not of whole blood but of one of its primary components: (1) red cells; (2) white cells; (3) platelets; (4) plasma ... Jehovah's Witnesses hold that accepting whole blood or any of those four primary components violates God's law.

### Again in front of the Courts

However, Jehovah's Witnesses have not finished standing up in front of tribunals to defend their religious rights.

### Pedophilia:

Several cases of pedophilia have been reported. Not because the movement considers this practice to be a religious right. On the contrary, as most persons, they too abhor pedophilia.

The problem is of a different nature. It has to do with the internal regulations of the movement based on a peculiar interpretation of the Bible. Based on the latest confidential instructions sent to the Body of Elders of all worldwide congregations (BOE letter 2012-10-02), instead of inviting them to report the case immediately to the authorities or the police, it is imperatively required to contact immediately the Legal Department of the movement.

If the religious judicial committee of the congregation, and not the secular authorities, is not in a position to establish the crime, the whole case is kept confidential.

If, on the other hand, it is ascertained that the accused is a "predator" or a "known child molester", the elders of the congregation are encouraged to inform discretely families with kids to warn them of the danger, without informing necessarily the authorities.

The problem with this procedure is that, according to the instructions, to define a pedophile as "predator" or "known child molester" is entitled only the Watchtower's branch office.

The first instance Court case which ended on June 13/14 2012, is emblematic in this respect.

The victim, Conti Candace of Fremont, California, sued her molester, the local congregation's elders and the worldwide headquarters of Jehovah's Witnesses.

The Court sentenced guilty and awarded the victim with 28 million dollars, the highest compensation for child sexual abuses against a religious organization in the USA.

It is noteworthy that the Court has recognized as major guilty not the pedophile, but the Watchtower because of their internal regulations on pedophilia, based on a peculiar interpretation of the Bible.

This is why the Court has sentenced the Watchtower to pay about 24 million dollars to the victim, 21 of which as punitive-damages and 2.8 as compensatory-damages, whereas the pedophile, once member of the congregation, was sentenced to pay “only” 4.2 million dollars.

Obviously, the Watchtower has appealed the sentence, but the trial will not take place before August 13<sup>th</sup>, and could probably last for at least two years. In the meantime, the Judge ruled that the real estate assets of the Watch Tower Society, worth about 1 billion dollars, were to be effectively frozen pending the outcome of the Society’s appeal against the judgment.

<http://jwsurvey.org/cedars-blog/the-watchtower-punished-society-loses-legal-battle-over-child-abuse-case>

### Ostracism:

I would like to end this paper by bringing to the public’s attention another internal regulation of the movement that can damage the fundamental human right of the individual, the same religious rights continuously claimed by the Watchtower as an **entity**.

Articles 18 & 19 of the Universal Declaration of Human Rights grant, in particular the following, state:

#### **Article 18.**

**Everyone** has the right to freedom of thought, conscience and religion; this right includes **freedom to change his religion** or belief, and freedom, either alone or in community with others and in public or private, to **manifest his religion** or **belief** in teaching, practice, worship and observance.

#### **Article 19.**

**Everyone** has the right to **freedom of opinion and expression**; this right includes **freedom to hold opinions without interference** and to seek, receive and impart information and ideas through any media and regardless of frontiers.

*See also Convention for the Protection of Human Rights and Fundamental Freedoms, art. 1 & 14*

While these articles have been used by Jehovah’s Witnesses to claim their civil rights as a religious **entity**, what the Universal Declaration of Human

Rights highlights is “everyone”, **every individual**, not just a religious organization should enjoy them.

Unfortunately, the **rights of everyone**, members and former members as **individuals**, are not always granted by the policies set forth by the movement’s Leaders in the case of those who quit for personal opinions.

To the contrary, they are shunned and marked as with a red-hot iron with different discriminatory terms, such as “dog” “sow” “with a truly bad heart” (w83 1/1) or “**apostate**” “mentally diseased”, “infected with a contagious, deadly disease” (w11 7/15).

Instead of having the right to choose their own religious opinion **without any interference** as granted by article 19 of the aforesaid Declaration, this is what the Leadership of the movement teaches and imposes as disciplinary actions:

\*\*\* w11 7/15 \*\*\*

On the subject of **disfellowshipping**, they know, of course, that the Bible says “to **quit mixing in company with anyone** called a brother that is a fornicator or a greedy person or an idolater or a reviler or a drunkard or an extortioner, **not even eating with such a man.**” (1 Cor. 5:11, 13) They also realize that **the word “anyone” in this verse includes family members not living under their roof.**

The book “Keep Yourselves in God’s Love” (2008)

“ *How should we treat a disfellowshipped person? The Bible says ... **We do not have spiritual or social fellowship with disfellowshipped ones.***

*Is strict avoidance really necessary? Yes, for several reasons... **Losing precious fellowship with loved ones may help him to come “to his senses,” see the seriousness of his wrong, and take steps to return to Jehovah.***

\*\*\* w12 4/15 \*\*\*

*What if we have a relative or a close friend who is disfellowshipped? ... **we will abide by his command not to have contact with anyone who is disfellowshipped.***

\*\*\* w13 1/15 p. 16 par. 19 Be courageous and strong ... \*\*\*

**Do not look for excuses to associate with a disfellowshipped family member, for example, through e-mail.**

## **Conclusion:**

To wind-up this paper, we should recall this paradox:

YES, in the past Jehovah's Witnesses, as a religious **entity**, had to fight for their civil rights; they have brought and won suits which made them look like champions of fundamental human rights.

Sadly, however, because of their peculiar interpretation of the Bible, their internal policies today do not seem to always grant their members and **former members** as **individuals**, important civil rights laid down by the Universal Declaration of Human Rights.

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## References:

### \*\*\* w83 1/1 p. 31 Questions From Readers \*\*\*

What is the point of mentioning these two aspects? It is to illustrate that if someone is disfellowshipped, he must at the time have had a **truly bad heart** and/or been determined to pursue a God-dishonoring course. Peter said that the condition of such a person is worse than before he became a Christian; he is like 'a sow that was bathed but has gone back to rolling in the mire.' (2 Peter 2:20-22) This should help Christian relatives and others to have God's view of a disfellowshipped person.

### \*\*\* w11 7/15 p. 16 pars. 6-7 Will You Heed Jehovah's Clear Warnings? \*\*\*

<sup>6</sup> How can we protect ourselves against false teachers? The Bible's counsel regarding how to deal with them is clear. (**Read Romans 16:17; 2 John 9-11.**) ... "keep away from them," ... There is nothing ambiguous about that inspired counsel. Suppose that a doctor told you to avoid contact with someone who is **infected with a contagious, deadly disease**. You would know what the doctor means, and you would strictly heed his warning. Well, **apostates** are "mentally diseased," and they seek to infect others with their disloyal teachings. (1 Tim. 6:3, 4) Jehovah, the Great Physician, tells us to avoid contact with them. We know what he means, but are we determined to heed his warning in all respects?

<sup>7</sup> What is involved in avoiding false teachers? **We do not receive them into our homes or greet them**. We also refuse ... Why do we take such a firm stand? Because of love.

### \*\*\* w11 7/15 p. 31 par. 13 God's Rest—Have You Entered Into It? \*\*\*

<sup>13</sup> The parents are devastated! On the subject of **disfellowshipping**, they know, of course, that the Bible says "to **quit mixing in company with anyone** called a brother that is a fornicator or a greedy person or an idolater or a reviler or a drunkard or an extortioner, **not even eating with such a man.**" (1 Cor. 5:11, 13) They also realize that **the word "anyone" in this verse includes family members not living under their roof.**

The book "Keep Yourselves in God's Love" (2008) page:

### \*\*\* Iv p. 207 How to Treat a Disfellowshipped Person \*\*\*

**How should we treat a disfellowshipped person?** The Bible says ...: "Quit mixing in company with anyone called a brother that is a fornicator or a greedy person or an idolater or a reviler or a drunkard or an extortioner, not even eating with such a man." (1 Corinthians 5:11) Regarding everyone that "does not remain in the teaching of the Christ," we read: "Never receive him into your homes or say a greeting to him. For he that says a greeting to him is a sharer in his wicked works." (2 John 9-11) **We do not have spiritual or social fellowship with disfellowshipped ones.** *The Watchtower* of September 15, 1981, page 25, stated: "A simple 'Hello' to someone can be the first step that develops into a conversation and maybe even a friendship. Would we want to take that first step with a disfellowshipped person?"

**Is strict avoidance really necessary? Yes, for several reasons.** First, it is a matter of loyalty to God and his Word. We obey Jehovah not only when it is convenient but also when doing so presents real challenges. Love for God moves us to obey all his commandments, recognizing that he is just and loving and that his laws promote the greatest good. (Isaiah 48:17; 1 John 5:3) Second, withdrawing from an unrepentant wrongdoer protects us and the rest of the congregation from spiritual and moral contamination and upholds the congregation's good name. (1 Corinthians 5:6, 7) Third, our firm stand for Bible principles may even benefit the disfellowshipped one. By supporting the decision of the judicial committee, we may touch the heart of a wrongdoer who thus far has failed to respond to the efforts of the elders to assist him. **Losing precious fellowship with loved ones may help him to come "to his senses,"** see the seriousness of his wrong, and take steps to return to Jehovah.—Luke 15:17.

### \*\*\* w12 4/15 p. 12 par. 16 Betrayal—An Ominous Sign of the Times! \*\*\*

**What if we have a relative or a close friend who is disfellowshipped?** Now our loyalty is on the line, not to that person, but to God. Jehovah is watching us to see whether **we will abide by his command not to have contact with anyone who is disfellowshipped.**—**Read 1 Corinthians 5:11-13.**

<sup>17</sup> Consider just one example of the good that can come when a family loyally upholds Jehovah's decree not to associate with disfellowshipped relatives. A young man had been disfellowshipped for over ten years, during which time his father, mother, and four brothers "quit mixing in company" with him. At times, he tried to involve himself in their activities, but to their credit, **each member of the family was steadfast in not having any contact with him.**

\*\*\* **w13 1/15 p. 16 par. 19 Be courageous and strong ...** \*\*\*

**Do not look for excuses to associate with a disfellowshipped family member,** for example, **through e-mail.** (1 Cor. 5:11) Stay absorbed in spiritual activities. (1 Cor. 15:58) The sister quoted above says, "I know that I must stay busy in Jehovah's service and keep myself in a spiritually strong condition so that when my daughter does come back to Jehovah, I will be in a position to help her."