

Trance, Meditation and Brainwashing: The Israeli Use of Hypnosis Law and New Religious Movements

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ABSTRACT: The 1984 Israeli Use of Hypnosis Law is the first of its kind in the world. It permits hypnosis for therapeutic purposes alone, and only by a group of licensed professionals (physicians, dentists, and psychologists who acquired a special permit). The law's vague definition of hypnosis, in fact, gives the criminal offense wide boundaries, in a way that might incorporate a wide range of practices into it, such as guided imagery. As a result, religious freedom is endangered, especially within the alternative-religious/spiritual sphere. The article presents the clear parallels between the law's broad definition of hypnosis and the common understanding of the mind control thesis. The heart of the argument in this article is that two aspects create the link between hypnosis and new religious movements (NRMs). The first is the phenomenological-historical resemblance between various religious techniques and hypnosis, while the other is the fact that both fields (NRM and hypnosis) evoke the same kind of fear, concerning control and manipulation of the mind. Interestingly, preoccupation with the Hypnosis Law has peaked twice—during the early 1980s, and around 2010—and both times coincided with the rise of the moral panic surrounding “cults” in Israel. In order to present these discussions within the correct contexts, the article includes a survey of NRMs' status in Israeli society, the government's anti-cult activity, and the Hypnosis Law. Subsequently, we present the ways in which the law was enforced, and analyze their implications for freedom of religion and worship in Israel. Finally, we end with a series of criticisms of the law, which faces today renewed calls to be revoked.

KEYWORDS: Hypnosis, Hypnotherapy, Legislation in Israel, Anti-Cult Movement, Mind Control, Guided Imagery, Past Life Regression, Israel.

1. Introduction: The Case of a Local and Unique Law and the Israeli NRM Context

“Under Israel’s hypnosis law, everyone is guilty of hypnosis—therapists, artists, religious leaders and even mothers who sing nursery rhymes to their children.” [Natalie Pik, in Even 2012]

Is it plausible that a democratic liberal state limits or prohibits religious rituals that involve trance states, guided imagery practices, or past life regression? Israel’s Use of Hypnosis law [hereinafter: IUHL] may lead precisely to that. This law, the first of its kind in the world to forbid free use of hypnotic practices, has yet to be studied from a religious-cultural point of view, even though its repercussions on freedom of occupation and freedom of religion in Israel have been direct.

There have been two notable peaks in the history of this law—both in parallel with waves of moral panic in regards to “cults” in Israel. The first took place in the beginning of the 1980s, with the legislation of the IUHL along with the publication of anti-cult governmental reports. The second happened around 2010, when the law’s enforcement became greater and more widespread, in coincidence with a series of high profile “cult”-related incident, as well as the writing of a radical anti-cult report and the initial legislative steps that targeted “harmful cults.”

The IUHL has extensive potential repercussions over many areas—from alternative medicine to religious pluralism—which stem, to a certain extent, from the vague, excessively broad legal definition of hypnosis. Admittedly, the latter is a practice whose understanding is under scholarly dispute. However, its definition in the IUHL is undoubtedly too broad, as well as problematic.

In this article we shall explore the connection between hypnosis (and the IUHL) and NRMs, by trying to understand the context within which the two have met—and clashed—in practice in the cultural arena in Israel, as well as the theoretical contexts of the association between the two fields.

In order to perform this study, we have examined political and legal Israeli documents concerning hypnosis: debates at the Israeli parliament, known as the Knesset, legislation drafts, court rulings, official documents by the Advisory Committee under Hypnosis Law [hereinafter: ACHL]. We have also surveyed the

public discourse throughout mass-media and social networks regarding the IUHL, concerning its wording, enforcement, ACHL activity, and opposition to the IUHL, especially on part of spiritual/religious practitioners. We have contacted central establishments and figures who were involved in the “story” of the IUHL: the ACHL, citizens who found themselves or almost found themselves in court, anti-IUHL activists, and so on. We have analyzed the definition of “hypnosis” in the IUHL, and compared it with possible alternative definitions and similar practices, whilst noting the potential correlation between the IUHL and the contemporary religious/spiritual scene. We have utilized an array of studies and tools, from NRM studies, through culture studies, to legal studies.

The article begins (chapter 2) with a description of the Israeli NRMs scene and the anti-cult steps the Executive Branch has taken against it, followed by a section on anti-cult legislation. Later (chapter 3), we present the IUHL and its relevance and applicability to the field of NRMs. Finally (chapter 4), we provide a summary of our criticism of the IUHL as well as the reasons hypnosis is associated with NRMs.

2. Background: NRMs and the Anti-Cult Movement in Israel

2.A. NRMs in Israel—A Status Report

We shall open with a general description of the status of NRMs in Israel, as it is important to understand the different voices that comprise the complex picture of the manners in which state institutions and the overall public opinion address the phenomenon. As we shall see, on the one hand, Israeli society is highly pluralistic as well as tolerant of a variety of religious beliefs and practices, and it seems the spiritual-religious scene is flourishing. On the other hand, the past few years have seen the rise of an anti-cult trend in public discourse, especially in government activity and in the legal arena.

Israeli society is rather pluralistic ever since the 1980s, which saw the gradual rise of multiculturalism (Kimmerling 2001; Mautner 2011). The voices of various sectors and minorities receive attention and interest; many of those who, in the past, have been *perceived* as marginal groups, deviant behaviors, primitive traditions, anomalous identities, are nowadays perceived not only as legitimate,

but even attractive, such as LGBTQ or un-Orthodox Jewish religious movements. To a great extent, the voices of such groups have a much greater presence today in the public arena than they used to. Moreover, the rise of liberal and neoliberal values throughout the state's institutions and the media is recognizable, with manifestations that range from feminist aspects to financial ones (Hirschl 1998; Shafir and Peled 2002; Woods 2009).

This environment is fertile ground for the flourishing of pluralism in Israel within the religious field as well. As a result, we may recognize the gradually multiplying hues of Jewish discourse, the hegemonic religious discourse in Israel, as well as a substantial openness regarding NRMs. Alternative spiritual hues are incorporated into religious Judaism on the one hand, and into Jewish-secular sectors on the other hand (Ruah-Midbar and Klin-Oron 2013; Ruah-Midbar 2012). Indeed, the alternative-spiritual scene in Israel, including various NRMs, is quite vibrant and lively. Several spiritual festivals are held within the public space, television shows pay attention to psychics and treat them as celebrities, backpacking trips to the East have long ago become an almost necessary part of the socialization process undertaken by young citizens, spiritual practices and teachings are at the heart of thousands of centers operating uninterruptedly throughout the country, and a wide range of spiritual specializations seem to flourish, including channeling, healing, coaching, shamanism, yoga, and so on (see e.g.: Lebovitz 2016; Ruah-Midbar 2016; Ruah-Midbar Shapiro forthcoming-b). Even the most conservative establishments show evidence of the infiltration of the new spirituality: spiritual healing methods are included in the state's health insurance, and a variety of businesses consult with spiritual organizational advisors, New Age symbols are utilized in commercial advertisements, Mindfulness and similar methods are integrated into the state's educational system, and so on (see e.g.: Ruah-Midbar and Zaidman 2013; Shmueli, Igudin and Shuval 2010).

With such a background, the rise of anti-cult discourse and activity is surprising indeed (see similar discussion in Ruah-Midbar and Klin-Oron 2013). The media enjoys covering daunting feature stories of "cults," exploitative gurus, and "brainwashing." But even more surprising, is how the anti-cult movement in Israel has managed to harness state branches towards its rising activities over the past few years, so much so that it has placed Israel in the most combative end of

the anti-cult spectrum among First World countries, as we shall see in the following section.

2.B. Anti-Cult Government Activity in Israel—The Executive Branch

Over the past decade, the anti-cult movement in Israel has been wildly successful. Within the movement, several specialists (Ph.D.s) are prominent in promoting the pseudoscientific discourse (Shupe and Darnell 2017) on the dangers of “cults,” especially one highly-active Israeli association—“The Israeli Center for the Victims of Cults” (www.infokatot.com). In 2013, this association has been awarded the Knesset Chairman Quality of Life Award for “human rights and maintaining democratic values,” and has worked hand-in-hand with officials from the Ministry of Welfare and Social Services. This government office has taken upon itself the handling of the matter of “cults,” and nowadays promotes the subject on behalf of the government.

Over the past few decades, other Israeli government ministries have adopted the anti-cult line, as expressed by the publication of reports on the subject (Klin-Oron and Ruah-Midbar Shapiro 2019; Ruah-Midbar and Klin-Oron 2013). During the 1980s, two governmental reports were written—the first by the Israeli police, and the other by an inter-ministerial committee appointed by the Minister of Education, which referenced a wide variety of aspects: education, health, consumerism, affiliation and identity, social and democratic values, and so on (Tassa-Glazer 1987). During the 1990s, a committee was appointed by the Ministry of Economic Strategy, whose goal was to coordinate between government offices. At this stage, “cults” were perceived, throughout various governmental reports, as a matter relevant to many diverse aspects of Israeli state and society, although the committee’s recommendations were somewhat moderate. The police report could not trace any clear criminal activity, and the 1995 report limited anti-NRM governmental activity even further, to “the need to defend the citizens’ freedom of belief and liberty of thought and ensure freedom of association and expression” (State Secretariat 1995, 3).

In reality, none of the recommendations made in the reports were implemented. Although some NRMs were offended by their very mention in these reports (and sometimes even tried to take legal action in order to prevent it—see Sagiv 2017), in the end, the reports had no real legal or executive implications.

Notably, the Knesset did not try to promote any legislation following these reports, despite their recommendations to do so. As mentioned, the background to these events was the public atmosphere in Israel from the 1990s onwards, which was more religiously pluralistic, and at the end of the century, the alternative spiritual arena was extremely lively (Ruah-Midbar 2006).

Over the years, there have been a few instances in which a case involving NRMs reached the Israeli courts. Often, NRMs themselves were the ones to appeal to the courts in order to defend their rights, sometimes even successfully (Sagiv 2017). For example, courts examined: a demand by EST that the government committee on “cults” refrain from including them in its report, or at least coordinate their visit to EST workshops with its members (EST case 1986); a claim made by Jehovah’s Witnesses against municipal authorities that prevented them from enforcing an agreement to rent a central city-owned hall (Jehovah’s Witnesses case 2014); a demand made by the members of an Emin community that the Army acknowledge the pre-military educational program they had established (Emin case 2003); and so on. Such instances were isolated, and did not receive any significant media coverage, nor resulted in the creation of an anti-cult public atmosphere.

Nevertheless, the past decade has seen a change, especially from an establishment-political point of view. This is evident both in governmental law enforcement actions in various fields (for example, the appointment of a cult supervisor in the Ministry of Welfare), and in legislative initiatives (see section 2.C.) as a result of a government report published in 2011—“Report of Ministry of Welfare and Social Services Team: An Examination of the Phenomenon of Cults in Israel” (Itzkovitz 2011). This report uses fierce anti-cult language, whilst relying upon the brainwashing thesis, and recommends significant legislative amendments that would limit “cult” activity. It is the only Israeli report in this field whose recommendations did enter a process of implementation, as we shall detail.

Around 2010, several NRM cases that went to trial made headlines. These groups were all local in nature—rather than globally active groups. Moreover, most of them shared accusations of difficult familial abuse towards women and children. The most widely published case, which had the largest effect on public opinion and government response, was the case of Goel Ratzon (literally: “Redeemer [of] Will”), a man born in 1950, healer and spiritual teacher, who

lived in a sort of commune in Tel Aviv with over twenty women with whom he engaged in intimate relations, and about 50 children they bore him. In 2009, a documentary television-show about this polygamist “family” aired, depicting the women’s extreme idolization of Ratzon. The media became preoccupied with the matter: the community was presented as a “cult,” its “guru” was said to be perceived as the Messiah and suspected of either hypnotizing or bewitching his wives (see e.g., Shalmor 2010). In 2010, the police conducted a complex operation called “Ge’ula meRatzon,” (literally: “Willing Redemption”) that employed about two hundred police officers and social workers towards the arrest of Ratzon, and the removal of the women and children from their homes. Ratzon was indicted with nine counts—slavery (a matter we should like to discuss in a separate article, in the future), obtaining (property) by deception, and various sex offences. In 2014 he was convicted on most counts, excluding slavery, and is now serving a sentence of 30 years (in addition to financial compensation, as well as probation) (Ratzon case 2014).

Following Ratzon’s arrest, his wives appeared both publicly and in the media, and details were revealed of the belief and practice system prevailing in the “commune,” including the criminal sexual activities perpetrated there. This exposure created a wide moral panic, and led to the preparation of a severe anti-cult report by the Ministry of Welfare and Social Services, which offered extensive legislative amendments. In the wake of this report, an anti-cult bill was presented in the Knesset, which will be described in subsection 2.C.

The Israeli public at the time was not occupied by the Goel Ratzon affair alone, but by a variety of “harmful cults” that were discussed by the media and the courts. In 2009, Elijah Chen, a.k.a. “The Abusive Rabbi,” was extradited back to Israel. Chen was tried and convicted of “rectifying” (in Hebrew: making a *Tikkun*, a Kabbalistic term) children together with his disciples—disturbingly cruel actions, which they believed extracted “harmful beings” (*Mazzikim*) from the children. Chen and his disciples’ trial went on for several years, during which new details of the case occasionally made headlines. In 2010, it was discovered that the leader of the “Ithaca Cult,” Shai Abrahamof, conducted a form of child abuse, that stemmed from spiritual-ideological reasons, and was later incarcerated and committed suicide in his cell. In 2011, the Ambash family—including the patriarch, his six wives, and 17 children who were members of a particular current of neo-Breslov Hasidism—was arrested. Stories of the family’s

unique faith had been circulating in the Israeli media since 2008, and after the Goel Ratzon affair, the polygamist Ambash family was presented as a parallel case, and was called “The Jerusalem Cult” or “The Sadistic Cult.” The patriarch was sentenced to 26 years for enslaving his family/wives, acts of violence, and sexual offences done by him or under his influence (Ambash case 2018). His wives’ fight for appealing the verdict and proving his innocence is ongoing, and takes place to this day, both in the legal arena and in the media.

Over the past decade, the above cases as well as other local Israeli “cult” cases have riled up public discourse, which includes the voices of politicians, state officials, journalists, anti-cult activists, and laypersons, who claim that in each case there is no doubt that the one they deal with is indeed a “cult,” and that a dangerous “guru” has “brainwashed” his disciples. In light of this strengthening trend in the Israeli public, and in particular the roots it has struck in the political arena, which reached actual anti-cult government activity (especially the advancement of legislation on the subject), Israeli scholars have attempted to counterbalance the anti-cult voice (Ruah-Midbar Shapiro forthcoming-a). They have written letters to various state officials, invited them to panels and workshops on the subject, became involved in the media discourse, enlisted international academic scholars in these activities, and even founded an information center on the subject of contemporary religions in Israel (<http://meida-center.org.il>), which began publishing academic reports on NRMs-related topics. Overall, we may say that academic activity did not significantly change the anti-cult public discourse, and was also unsuccessful in convincing officials and politicians of the problematic nature that lies in anti-cult legislation and activities.

2.C. Anti-Cult Government Activity in Israel—Legislature

In light of the criminal cases exposed within the NRMs arena, and especially the mental, physical, sexual, social and financial harm their members were subjected to, over the past few years the State of Israel has promoted legislation that aspires to limit the activity of “harmful cults” in particular (Cults Bill 2015). This unique legislation, unparalleled throughout the world, focuses on the phenomenon of “cults.” Its purpose, as defined in the explanation provided for the 2015 “Bill for the Treatment of Harmful Cults,” is to fight the “conversion

process” that “cult” recruits undergo “in order to attain control, loyalty and absolute commitment to the cult’s leadership,” while “cult” members commit criminal offences.

This bill—an initiative by many members of the Knesset—was brought to the Knesset table on July 20, 2015, and submitted to the Knesset Constitution, Law and Justice Committee for a preliminary reading. It attested to the widespread concern regarding “cults” in the public discourse in Israel, independent of any political affiliation. The bill was passed unanimously—by the 36 members of the Knesset who participated in the Plenum discussion, in a preliminary reading (three more readings are still required before the final version of the law passes). The bill is a direct consequence of the 2011 Ministry of Welfare report. It proposes to activate sanctions on “harmful cult” members in a way similar to how law enforcement treats criminal organizations (group leaders receive up to 10 years in prison, assets are seized, and so on). The bill defines (in section 1) a “harmful cult” as:

A group of people, whether organized or unorganized, who congregate around a person or an idea, in a manner that enables exploitative relationships of dependency, authority, or mental distress with one or more members through methods of controlling thought processes and behavioral patterns, and operates in an organized, methodical and ongoing fashion, while committing crimes that the Israeli law defines as felonies, or sex offences, or egregious violence, in accordance with The Rights of Victims of Crimes Act – 2001.

Academic scholars in Israel and throughout the world have expressed their disdain of the wording of the Israeli bill, via letters sent to Knesset members and appearances in the media (Ruah-Midbar Shapiro forthcoming-a; and see e.g., the critical article by Cavaglioni 2018). Widespread criticism was directed at the excessively broad definition of “harmful cult,” which used vague and controversial terms in a manner that allowed for different subjective interpretations of the offense’s components, which is obviously problematic in the interpretation of any criminal offense. As a direct result, the line between “harmful cult” and lawful religious activity was blurred, as the creation of a moral or spiritual dependency and control over thought processes and behavioral patterns is an inseparable part of any religious affiliation, and characterizes the conduct of many believers.

In addition to criticism of the definition’s vagueness and inclusivity, academics claimed that the law hurt freedom of religion, belief, and conscience. However,

the main criticism addressed the “mind control” thesis upon which the bill rests. According to this thesis, “cults” possess complete control over their members thought processes, and, as a result, over their actions, whilst voiding their free will and distorting their personality (see below, subsection 3.B.II, part b, and again at the beginning of section 4). This thesis was abandoned by experts of the scientific community, and ruled out by courts worldwide (Melton 2000).

Although the Israeli legislator saw it fit to cope with the legislation of a specific law concerning “cults,” this was not actually necessary, as the Israeli legal arena has already made use of a variety of other laws in the Israeli Penal Code and Civil Code when dealing with “harmful” NRMs. Notable among these are the Legal Competency and Guardianship Law, 5722 - 1962, which prohibits the conversion of a minor without the consent of both parents or legal guardians; sections from the Israeli Penal Code, dealing with giving favors to entice conversion and receiving favors for converting others; “perpetrating and exploitation” offense—referring to those who exploit situations that prevent the victims from giving their free consent; breaches of the article that forbids a person from pretending to perform witchcraft (Warshawski 2006); and sexual offences.

In addition, a unique anti-cult legislative amendment was set in Israel in 2010 in the Prevention of Sexual Harassment Law (Sexual Harassment Law 1998: Amendment 10 of 2002). According to this amendment, though a victim of sexual harassment showed no signs of resisting the sexual suggestions or attitude, the perpetrator could still be convicted if the crime was committed while exploiting a relationship of authority or dependency,

[...] within the framework of guidance or counseling by a clergy person, or one pretending to be a clergy person, or a person who is known to be or presents herself as someone who possesses unique spiritual traits.

Moreover, in this context we should note the extensive and different governmental and legislative efforts made to regulate the field of alternative/complementary medicine in Israel, as this field overlaps both with the field of NRMs as well as the subject of hypnosis, as we shall see. The widespread growth in the consumption of alternative/complementary medicine-related products and services in Israel over the past decades led to the appointment of the Elon Committee for the Examination of Complementary Medicine in Israel, which submitted a report on behalf of the Israeli Ministry of Health in 1991 (Elon

Report 1991). The report in turn led to the beginnings of legislation on the matter (such as the Acupuncture Practice Law of 2002). Still, regulation of the field remains professionally and medically controversial, and in fact, most of the field has yet to be regulated today (Cohen 2009; Shmueli, Igudin and Shuval 2010).

Summing up, in today's Israeli arena there is legislative ground for the restriction of NRMs' activities, and further relevant legislation is on the rise. Although different laws may limit NRMs' activity, around the world as well as in Israel, the IUHL—which is unique to Israel—adds a potential layer to these limitations. In the next chapter, we shall dedicate our discussion to the IUHL, which also concerns practices common in the NRMs field. As we shall see, the IUHL was also applied to the contemporary spiritual/religious arena in Israel, and has incurred a counter-reaction by practitioners from the field of alternative/complementary medicine, spiritual psychotherapy, and so on.

3. The IUHL and NRMs

“The Hypnosis Law tears the masks off this overzealous desire to look out for the citizen's tender consciousness [...] it exposes a deep-seated cultural phobia [...] those who are afraid are willing to put up with spirituality and New-Age as long as they are integrated as an easily digested product within consumerist society, but would quickly ban any path and method with any potential to radicalize human consciousness. [But] the inquisition shall fall.”
[Hartogsohn 2012]

3.A. The Law—Review and Criticism

In 1981, the Knesset began discussing the legislation of a law on hypnosis, and in 1984, the final draft of the IUHL was approved. The background for this debate in the Knesset was an event from 1975, which made headlines and involved a girl who fell into a coma following a hypnosis show, from which she did not awake for about a week. She was hospitalized while physicians tried, and failed, to wake her. According to the common claim, only a certain psychiatrist,

then one of the foremost hypnotists in Israel, managed to wake her up (Bonshtein 2014, 123–25). Although this unusual event was an isolated one, and contradicted what was known and documented in the professional literature on hypnosis, Israeli legislators saw it fit to protect the public through a special law, the first of its kind in the world.

The official purpose of this law, promoted by then Minister of Health, Knesset Member (hereinafter: MK) Eliezer Shostak (1911–2001), was “to ensure the safety and physical and mental health of the citizens of the state,” and to prevent the misuse of this method and any damage it might cause to the hypnotized person (see Shostak’s speech, in Knesset 1981). The legislators decided to “prevent the misuse of the hypnosis process” (Shostak, in Knesset 1981). To do so, the law decreed the field should be regulated through the foundation of a professional society of hypnotists, as well as an advisory committee in the Ministry of Health, which would supervise the growing use of hypnosis and prevent it from being performed by people who lacked the proper training, or for showmanship and entertainment purposes.

The IUHL prohibits a person from hypnotizing another, unless s/he is a licensed hypnotist. The legalized use of hypnosis has been limited to physicians, dentists, and expert psychologists, and only when the patient has given consent to be hypnotized. Additionally, the law states that those who are not licensed hypnotists shall not pretend, whether directly or implicitly, to be a hypnotist, nor express willingness to hypnotize. Another limitation in the law addresses the goals for which one may utilize hypnosis:

1. Medical diagnosis or treatment; 2. Psychological diagnosis or treatment; 3. Scientific research; 4. Scientific teaching in the field of hypnotism; 5. Refreshing a person’s memory in the course of a police or security investigation (see also Bazak 2006: ch. 8.)

In 1991, The Use of Hypnosis Regulations were supplemented to the main Israeli legislation. These regulations’ uniqueness lies in their imposition of widespread limitations over the field of hypnosis, when compared to other hypnosis laws worldwide (Aviv, Gilboa, Golan and Peleg 2007; Binyaminy and Hass 2016). In other places across the world, the limitations on using hypnosis often relate only to entertainment acts and amusement purposes. However, even those countries, such as Norway, Sweden, Austria, and Australia, which also enforce regulations limiting the use of hypnosis to physicians, dentists, and expert psychologists, do not define the required training and licensing process in

their legislation, as opposed to Israel (Bonshtein 2014; Kleinhauz and Beran 1981).

A prerequisite to setting the incidence of the IUHL in motion is that the defendant commit an action defined as “hypnosis.” Article 1 of the IUHL defines “hypnosis”:

Hypnosis means any act or process intended or likely to cause, by means of suggestion, changes in the state of consciousness or degree of awareness, or in the body, sensation, feeling, thinking, memory or behavior, of another person.

This is a highly broad and vague definition, which refers to conceptual components that are themselves not entirely clear, and which necessitate an interpretation that has a critical effect on how the law is applied. Discussing the question of the limitations that lie in the definition of the law and the interpretation of its components extends beyond the scope of this article (and we intend to expand on it in a separate article). However, we do wish to point out several things in short. First, the definition of hypnosis has been under intense scholarly dispute for several decades now, while the IUHL has not been updated since 1984, meaning that more than three decades have passed since the bill.

Throughout the years, the American Psychological Association has appointed committees in order to define hypnosis (1993, 2003, 2013). Their definitions have become more and more inclusive over the years, in order to find a common denominator shared by the wide variety of theoretical and therapeutic approaches in the field, beyond their various scholarly differences (Elkins, Barabasz, Council and Spiegel 2015). Despite their generalizing attitude, even the broadest definition offered in 2013 was not as wide as the one provided by the 1984 IUHL (Elkins, Barabasz, Council and Spiegel 2015, 383):

A state of consciousness involving focused attention and reduced peripheral awareness characterized by an enhanced capacity for response to suggestion.

Another definition of hypnosis, relevant to the application of the IUHL, is provided by the Israeli Society of Hypnosis, which manages the training of hypnotists in accordance with the law. This definition clarifies that hypnosis is a natural state, and poses no danger whatsoever, which begs the question why it must be forbidden or limited in the first place. As the Society’s website states (The Israeli Society of Hypnosis n.d.):

Hypnosis is a state in which a person utilizes its ability to concentrate in order to turn her attention inwards. In a state of hypnosis, persons allow themselves to turn most of attention

and resources in order to bring about either physical or mental change, to cultivate a more efficient connection with their subconscious, or to improve communication between mind and body. Any situation in which we turn most of our concentration toward one goal, as if “ignoring” the rest of the world around us, possesses the characteristics of a hypnotic state.

This broad definition presents hypnosis as a natural and harmless phenomenon, much like different states of concentration. The society even claims that “a person who is under hypnosis is constantly aware of her surroundings, and can exit the process whenever she so wishes” (The Israeli Society of Hypnosis n.d.).

Much like these descriptions and definitions, a look at the explanation of hypnosis provided by the ACHL, who supervises the application of the IUHL, is most soothing. According to the committee (Aviv n.d.),

Under hypnosis, the patient is not asleep, his willingness to accept suggestion increases while maintaining reality checks. In spite of popular myths, the patient does not lose control while under hypnosis and s/he does not become more malleable. On the contrary [...]

Having addressed the definition of “hypnosis” and “hypnotic state,” if we would focus on a single component of hypnosis, for example, “suggestion,” we would see how this scholarly controversial term is also vague. For instance, one definition (Hirschfeld n.d.) of “suggestion” is:

a process which allows a person to transfer a certain idea via either verbal, motorial, or vocal communication, whilst bypassing her intellectual control processes.

A simple look at this definition reveals that it may be applied to a wide variety of practices, and that it is not at all clear why the law should indeed seek to limit or stop them. We shall revisit this point later, noting that this citation also contradicts some statements in the definitions of hypnosis we previously quoted.

In addition to the problems in defining “hypnosis” and its components, the enforcement of the IUHL may encounter other challenges. For example, the IUHL excludes any act of “self-hypnotism,” thus decriminalizing this particular practice. The difficulty that arises from this exception is that, if the law is indeed meant to prevent any harm that comes from using hypnosis by the unskilled, this concern may also be applied to self-hypnosis, which may cause mental or physical self-harm. The legislation does not address this problem at all. Although the definitions in the IUHL are very broad, many problematic aspects, both ethical and professional, are completely overlooked by this law. For example, the IUHL does not address a series of ethical problems, such as the obligation of

documenting the hypnosis process, defining the therapeutic relationship before providing treatment (for example, defining the nature of the intervention), the wording of the hypnotized person's informed consent in order to prevent abuse and invasion of privacy, and so forth.

Having discussed the IUHL's explicit purpose, we ought to address its other purposes, as discussed in the professional literature. For instance, scholars have disagreed on the question of whether one can deliberately make a hypnotized person commit a felony (Nardi 1984). Several scholars believe it is possible, while others rule out this claim, as they think one cannot differentiate between actions committed under hypnosis and those committed out of one's own free will. Others completely deny the possibility that hypnotized persons can be compelled to act against their own will (see e.g., Bryan 2011; Orne 1972; Watkins 1972). Jewish law scholar, Yaacov Bazak (2006: 143-44) claims, in regard to hypnotized persons, that "clearly we cannot hold one person responsible for any repressed tendencies that unwillingly broke through," despite the scholarly dispute surrounding the question of whether a person under hypnosis can commit a criminal offense she would not have committed had she not been hypnotized, or whether this is only possible if "she has latent inclinations towards such acts."

In light of this scholarly dispute, it is interesting to note that according to article 34G, which was added as an amendment to the Israeli Penal Code in 1994, a hypnotized person is defined as one who exists in a state of "automatism" (lack of control), therefore, should she carry out any criminal actions while in that state, she would not be held criminally accountable (ch6). Thus, this legislation takes a stand regarding the scholarly dispute and implies that the hypnotist has the ability to affect and make another person commit involuntary criminal offences. In a clear contradiction, the ACHL determined that "hypnosis is not a means of taking control of the hypnotized person, and she cannot be made to act against her own will or ethics" (ACHL n.d.). Indeed, both the IUHL and the Penal Code show the Israeli legislators' fear that the hypnosis process might lead the hypnotized person to carry out involuntary actions.

In relation to the field of NRMs, we cannot ignore the similarity between this fear and the parallel fear of brainwashing, a technique that allegedly allows one to influence others and to induce them to perform involuntary, destructive, and possibly even criminal acts. We will discuss this issue later in the article, under

subsection 3.B.II, part b (and in our conclusion). Moreover, the relation between the definition of hypnosis and the field of NRMs also stems from the fact that a significant amount of practices in the latter may fit this broad and vague definition, such as guided imagery, healing, NLP, and even relaxation techniques (another topic we shall discuss later, in the same subsection, part a).

To summarize, the IUHL's broad definition on the one hand allows the authorities to enforce it in far too broad contexts, while on the other hand limits its enforcement by allowing (and encouraging) practitioners who do not meet licensing terms to act without supervision, by using an alternative labeling for their hypnotic practices, such as "guided imagery."

We should also note that in the days this article was sent to print, MK Oren Hazan submitted a proposal to repeal the Hypnosis Law (Repeal Proposal 2018). According to a media publication of July 5, 2018 (Attali 2018), this proposal follows an initiative by mentalist Nimrod Har'el (see discussion on Har'el in subsection 3.B.I), and is supported by the claim that,

Hypnosis in itself is not dangerous, therefore there is no reason to prevent anyone from performing it regularly. On the contrary, this tool can only contribute and help. [... The legislation] has alienated many people's willingness to make use of this helpful means, which could have improved their lives significantly [... and has] created a monopoly in which only very few licensed persons can practice hypnosis.

Finally, the Knesset is called upon to "fall into line with the rest of the world, wipe out this erroneous anachronistic remnant from its law books, and enable a free use of hypnosis tools."

3.B. The IUHL's Relevance to NRMs

"The whole history of hypnosis is about a group of people who made efforts to prevent it from passing on to anyone else. From ancient Egyptian priests and shamans, to today's physicians."
[Avishalom Drori, in HypnoDoco 2015]

As mentioned, our central research question in this article involves the relevance and linkage between the IUHL and the new religious arena: how may the IUHL be relevant to NRMs? Does it affect, or may affect, the NRMs arena, and in what context? Therefore, in the following subsections we shall discuss the

IUHL's applicability to the field of NRMs, on two levels—first (subsection 3.B.I), we shall present the cases in which the IUHL was applied or actively enforced, and accordingly, how it affected the NRM arena. Second (subsection 3.B.II), we shall deal with the potential relevance of the IUHL to this arena from a theoretical-analytical point of view.

3.B.I. IUHL Application—In Practice

As a result of the IUHL, as of 2016 only about 700 people became licensed hypnotists in Israel (and about 20-25 others were added to that number on average yearly), among them about 250 physicians, 150 dentists, and 300 psychologists (Binyaminy and Hass 2016, 472, 478). Each practice, demonstration, or instruction of hypnosis (as defined by the law) by unlicensed people, or those proclaiming they are hypnotists, is illegal. In reality, almost half of the therapeutic professionals in Israel practice hypnosis without a license. According to a survey, only 27% of those who perform hypnosis in Israel are licensed (Aviv, Gilboa, Golan and Peleg 2007, 50, 52), excluding alternative therapists who use methods such as guided imagery and NLP (a discussion on these practices follows). The ACHL estimates that “the majority practice hypnosis through the use of various therapeutic techniques,” which have not been formally defined as hypnosis—and as we shall see, this is a wide variety of techniques. In fact,

it was impossible to estimate their number or to track them down [... so that] it can be argued that this estimation of the unauthorized use of hypnosis is an underestimation (Aviv, Gilboa, Golan and Peleg 2007, 50, 55).

Perhaps this is the reason why the IUHL has only been discussed in the Israeli courts in two cases since its legislation, and they ended with a whimper, the first with a total acquittal, and the second with a lenient plea bargain. However, supervision of IUHL enforcement and prevention of its violation were in fact put into practice, upon the ACHL's appointment by the Ministry of Health. The ACHL became the executive branch for the supervision of use of hypnosis, and we will later show how this supervision affected religious/spiritual freedom. But first, we will describe the two cases in which ACHL actions led to indictments in accordance with the IUHL, the first in the entertainment field, and the second in the therapeutic field. Notably, the discussions in both entertainment and

therapeutic contexts are intertwined in terms of practice, the public discussion, and the law.

As mentioned earlier, there was one entertainment-related case that reached the courts, and ended in an acquittal: in 2002, Israeli illusionist Tzahi White was cleared of all charges (White case 2002), following a television performance during which he “hypnotized” the actor Aki Avni, and made him levitate. The charges relied upon the legal prohibition that an unlicensed person may not present herself as a hypnotist, as well as the prohibition of hypnotism for entertainment purposes. In his court hearing, White made the claim that he did not hypnotize but merely used *legerdemain* (White case 2002, section 5):

In one of my acts, I cut a woman into three pieces. Just like in another one of my acts, in which I make someone supposedly levitate by hypnotizing them. Just like I don't really cut, I don't really hypnotize.

It should be stated that Avni himself did confirm that he was not hypnotized, but that he was acting. Nevertheless, the prosecution claimed that Avni was indeed hypnotized. White's acquittal was a result of a long court case, which lasted three years. In his pronouncement of a verdict of acquittal, the judge used harsh words when addressing the central witness used by the State Advocacy as an expert of hypnosis, stating: “We cannot attribute any value, and I emphasize the word ‘any,’ to Dr. Livne's expert opinion.” In presenting the scientific complexity of the definition of hypnosis from the witness stand, this expert witness in fact unintentionally exposed the complexity and problematic nature of understanding the processes of hypnosis, and the boundaries between the definition of hypnosis and other practices. Without voicing our own thoughts on this witness's opinion, we should still note that the scholarly and clinical discourse of hypnosis is indeed convoluted and complex, and may be perceived by laypersons as paradoxical (Elkins, Barabasz, Council and Spiegel 2015). While the clinical discourse can digest such blurred boundaries, in a legal context this ambiguity is intolerable. The principle of legality necessitates certainty and clear boundaries in the legal definition, and a criminal conviction goes further and demands proof beyond any reasonable doubt. Therefore, the court could not tolerate this expert opinion, and it was absolutely ruled out (White case 2002, section 13):

As the cross-examination advanced, cracks began to show in the [witness's] conception until it finally collapsed altogether. From the witness's initial theory, that Avni was

hypnotized from the get-go, the theory then changed to a new version according to which Avni started out acting, and at some point entered a hypnotic state, and later the theory changed again to another theory, according to which Avni “hypnotized himself,” after which yet another theory was provided, according to which a person can hypnotize another person without meaning to; until finally the witness acceded and stated that he only saw “signs” of hypnosis. All of which lead us to the conclusion that this opinion is highly flimsy [...]

As a result, White sued the state for the anguish and damages caused to him by these unnecessary legal proceedings, and received compensation. In this context, it is also worth mentioning that Israeli mentalist, Nimrod Har’el, revealed that in 2009, he was interrogated by the police under suspicion that he had performed hypnosis on his television show. However, after a brief chat, the detectives decided to drop the charges against him, and according to Har’el, even thanked him for sparing them unnecessary embarrassment (Har’el 2012). In 2012, Har’el starred in a television show by the name of “Psycho” in which he demonstrated telepathy, “thought planting,” and various suggestions to random people on the street, claiming that in those instances, in which seemingly he had used hypnosis, he was actually making use of a different technique (ReshetTV 2012).

Unlike these cases, in 2012 a bill of indictment was submitted against therapist Natalie Pik, which ended in a plea bargain in which she was convicted of hypnotizing a man without a license and impersonating a hypnotist (Pik case 2012). Pik is an Israeli who studied humanities in both Israeli and Italian universities, and did not complete her degree. Later, she acquired a diploma as a movement therapist in Australia, as well as a diploma of Health Clinical Hypnosis with honors from the Academy of Hypnotic Science in Melbourne, Australia. According to her, she applied to the ACHL in order to acquire an Israeli license, but her request remained unanswered. In 2010, a detective hired by the ACHL was among the few people who attended her lecture, and it was him who led to Pik’s indictment. Pik claims that, in order to avoid a showcase trial, she chose to sign a plea bargain and face conviction (Even 2012). As part of her plea-bargain, Pik was fined 2000 ILS (about €400) and was sentenced to two years-probation. Ever since, Pik has continued her therapeutic work without disruption, using guided imagery, NLP, and since 2017, mostly Hatha Yoga.

Ever since her conviction, Pik has become one of the leaders of the public fight against the IUHL. Like her, many practitioners in the alternative-spiritual field, therapists from a variety of alternative approaches, and mentalists have spoken out in various media publications against the IUHL. They have pointed out its

absurdity, blamed the ACHL of ulterior motives that aim at preserving the exclusivity of a professional community, called out for the democratization of the distribution of consciousness altering techniques, and indicated the inherent problems in the differentiation between “hypnosis” and a wide variety of similar techniques and states of consciousness (see e.g., Har’el 2012; Hartogsohn 2012).

In fact, to this day other complaints submitted by the ACHL to the Israeli police have not turned into indictments, although the ACHL actively tries to prevent practitioners from the alternative-spiritual field from presenting their work as hypnosis, teaching people self-hypnosis, or hypnotizing them, or from disguising hypnotherapy under other labels. However, in reality, in today’s Israeli spiritual arena some blossoming practices are in fact parallel, close, similar (and sometimes identical) to hypnotic techniques: NLP, guided imagery, past life regression, channeling, hypnobirthing, coaching, mental training (including José Silva’s [1914–1999] Mind Control Method), and others. These methods have been circulated in books, websites, training centers, and clinics—all unlicensed and unsupervised by the state. The boundary separating illegal actions and legal ones according to the IUHL is unclear. For this reason, many people in the spiritual field simply prefer to avoid using the term “hypnosis” explicitly, and continue their work as therapists or teachers of affirmations, suggestions, coaching, altering consciousness states, and more (without a license, obviously).

The ACHL has spoken out many times in the media, warning of disguising illegal use of hypnosis behind other labels, such as NLP. While the ACHL’s chairman has said that they have no intention of suing each and every yoga instructor who ends classes with relaxation, the ACHL has taken action to limit, on the one hand, unlicensed people from performing hypnosis-like activities, and, on the other hand, mystical activities by licensed hypnotists. Accordingly, in 2009 the ACHL has forbidden licensed hypnotists from performing past life regression (Even 2009; Cohen 2010).

3.B.II. IUHL Application—Theoretic Discussion

So far, we have presented cases in which the IUHL has been applied to the Israeli NRM arena, influenced it, or provoked its response, as spiritual/religious practitioners felt that it injures their freedom of action. As we have seen, the

reaction to the IUHL has taken place at two main points in time: the first, when it was legislated in the early 1980s, and the other, during the enforcement wave around 2010. In parallel, both periods have been characterized with government anti-cult activity, which was preceded by a “cult” related moral panic. This exemplifies a clear connection between the anti-cult issue and the fear of hypnosis, and in this subsection, we shall attempt to understand this connotation’s theoretic background.

We should like to examine the principal and theoretical relevance hypnosis has to the field of NRMs. We wish to discuss the context and the relationship between the two fields. For example, in various debates about “cults” at the Knesset, the fear was expressed that they make use of “hypnosis,” and during debates on the prohibition of “hypnosis,” the danger it might be used to serve “cult” interests was mentioned. For instance, MK Ya’acov Cohen stated, during the Knesset Plenum in his motion for the agenda on the subject of illegal “cult” activity (Knesset 2008, 215):

Psychologists have discovered that various techniques used by cults contain elements of hypnosis, which are strictly forbidden. Additionally, cult members convince new members to surrender all their money to this end.

The very heart of our argument in this article is that *two aspects create the association between hypnosis and NRMs*: the first is *the phenomenological-historical resemblance between various religious techniques and hypnotic techniques*, while the other is *the fact that both fields (NRM and hypnosis) evoke the same kind of fears, regarding the control and manipulation of the mind*. Accordingly, we shall now present both aspects.

a. The phenomenological-historical resemblance between religious techniques and hypnosis

We would like to argue that there is a substantial phenomenological resemblance between hypnosis and the religious-spiritual field (or, at least, that the connotation between the two in public discourse appears as plausible). To do so, we shall start with a historical look into the roots of hypnosis (Abramowitz 2014, ch.1; Gauld 1995; Pintar and Lynn 2009).

The term “hypnosis” was derived from the name of the ancient Greek god, Hypnos, the god of sleep. The term was coined by the surgeon James Braid (1795–1860) in the mid-19th century, when he used Mesmeric techniques on his patients, believing they had fallen into a sort of sleep. Later, Braid discovered that his patients were not asleep at all, despite the fact that they closed their eyes and entered a state of deep calm, but rather the opposite—they were acutely attentive. However, the term remained, and “inducing a hypnotic state” is often used in the same breath as the hypnotically suggestive word “sleep.” Braid was the link between Mesmerism and 20th century-hypnosis, as he conducted the initial translation of the method, which was originally understood to be the propulsion of magnetic fluids in the body, into a neurological rationale, to be later replaced by psychological terms.

The German-Austrian physician, Franz Anton Mesmer (1734–1815), claimed the rationale of his method to be “animal magnetism,” which involved a mysterious and invisible liquid that flows through every living being. Mesmer was accused of charlatanism, and his work was surrounded by scandal. 1784 saw the foundation of the French Royal Commission that examined the scientific basis for Mesmerism, and dismissed the magnetic theory, concluding that the treatments were only effective because of the patients’ imagination. Thus, the committee perceived the basis of Mesmer’s work as mental, rather than physical. No wonder the verb “mesmerize” in English, after the method’s founder, is synonymous with “hypnotize.” In fact, in retrospect, with the acknowledgment of the power of hypnotism and the placebo effect, nowadays we may confirm that elements of the practice of Mesmerism can *indeed* heal.

Despite criticism of the method, different practices and ideas from Mesmerism remained the tools of various spiritual therapists and practitioners (see e.g., Albanese 1992), in fact, to this very day, some in the field of conventional medicine and some in the field of alternative/complementary medicine, including the use of placebo medications (or procedures), magneto-therapy, and hypnotherapy, for both physical and mental aims. This continuity, in spite of the harsh criticism directed at Mesmerism, in fact opened the door to the foundation of modern hypnosis.

From a phenomenological point of view, we can describe the various techniques—from modern hypnosis to magnetic sleep—as trance practices, which have been part of physical and mental healing processes since time

immemorial (see e.g., Abramowitz 2014, 16). A variety of such techniques have been utilized in the religious traditions of various cultures: performing supernatural acts during rituals, prophecy, healing, mysticism or witchcraft, all of which were carried out by shamans and religious practitioners since ancient times. Today, such practices are not common in mainline Western religions, though they still prevail throughout some currents of those religions, such as Sufi trance techniques in Islam, Shamanic techniques in Hasidic Judaism, glossolalia or exorcism among certain Christian denominations, and of course in a variety of other faiths, such as among Native Americans, in folk religion in Korea, among Hindu Fakirs, and others.

The contemporary alternative spiritual/religious scene willingly adopts mystical and magical techniques from various traditions, and also calls for the democratization of techniques formerly reserved for selected people and their wide distribution, sometimes whilst creating popular variations (academically recognized as “invention of a tradition”; see e.g., Lewis and Hammer 2007). Therefore, it is not surprising that different trance techniques are now common in the NRMs arena. In their popularized versions. NRMs have even furthered the distribution of religious techniques throughout psychological contexts and toward psychological ends (Beit-Hallahmi 2012).

Among these techniques, we may single out the practice of guided imagery, which has parallels and roots in various spiritual traditions, from the Kabbalah (Reiser 2018) to Asian religions (Puttick 2000). Guided imagery has become one of the most common techniques in the alternative spiritual arena, and a sort of representative icon of it. This technique is used towards a wide variety of goals—from losing weight to overcoming fear—but it is most commonly used in relaxation. The latter use is relevant to a wide range of fields, from concluding physical activity (such as physical workouts) to emotional preparation for a grade school exam. The ACHL addressed relaxation techniques used in yoga for a reason, as some of these techniques, which are based on breathing, concentrating on the words of the instructor, and visualization, can supposedly also be defined as hypnosis. The guided imagery technique, over its various versions, has made its way into the mainstream in various ways (Puttick 2000). First, it entered the therapy sessions of conventional psychology, and later, it was adopted by more conservative circles, such as businesses, schools, and so on.

Adjacent techniques to that of guided imagery, or such that include a form of guided imagery, have been developed over the past few decades by various alternative therapists and spiritual teachers, on the one hand, and by academic scholars on the other. The process led to the proliferation and distribution of various methods. NLP (Neurolinguistic Programming) was developed by self-help and hypnosis expert Richard Bandler and by linguist John Grinder. It was significantly influenced by the methods of psychologist-psychiatrist Milton Erickson (1901–1980), the father of one of the most common hypnosis methods. There were also mental training and mind control methods (such as the variety of tools developed and distributed by José Silva), affirmations and words of power, and more.

Another spiritual technique prevalent in the field of NRMs, which was presented as being in contradiction to the IUHL, is past life regression. This technique attempts to go back and reveal events from the patients' previous lifetimes, in order to heal them and solve problems in their current life. Here, hypnosis enables patients to regress to a certain moment in their past to heal the trauma that stems from a past event. Many cases have been made public, in Israel and around the world, in which hypnosis was used to regress patients to events that preceded their birth. Past life regression therapy aims at uncovering these events *from the outset*, thereby assuming a religious belief in reincarnation. Being connected to two modern rationalistic secular establishments, allopathic medicine and law, the ACHL had difficulty with this matter.

While the ACHL could not prohibit the practice by alternative therapists, its chairperson has spread stories in the media, of patients who needed hypnosis in order to overcome “malfunctions” inflicted by past life regressions. From 2009 onwards, the ACHL has explicitly forbidden licensed hypnotists from engaging in past life regression, claiming that “this is a mystical process conducted by those who believe that a person had other lives previous to their birth” (Even 2009). The ACHL chairperson explained, on the one hand, that apparently “past life regression involves a process of influence between the hypnotist and the hypnotized” and, on the other hand, that “past life regression and hypnosis are unconnected” (Even 2009). Apparently, he was interested in making a clear distinction between the two, even though he paradoxically identified them with one another in order to do so. Arguably, this prohibition of a mystical/religious

practice, which is not presented as hypnosis, is comparable to forbidding hypnotist from participating in prayer.

In an article by the ACHL chairperson and co-authors, the writers also denounce Eye Movement Desensitization and Reprocessing (EMDR) as a therapeutic technique that makes use of hypnosis (Aviv, Gilboa, Golan and Peleg 2007, 50). Some Israeli professionals even claim that hypnosis arguably overlaps with healing and complementary/alternative medicine (e.g. Aviv, Gilboa, Golan and Peleg 2007; Binyaminy and Hass 2016, 478), another field that in turn partially overlaps with the field of NRMs. We could have referred to a wide variety of additional therapies and techniques prevalent throughout the NRMs scene in Israel and worldwide, from meditation to hypnobirthing.

The above examples demonstrate the phenomenological resemblance and historical-cultural context that link hypnosis with a variety of religious practices, old as well as new. As our discussion continues, we should like to examine the resemblance between both fields from another outlook, the fear that lies behind the limitations imposed on both NRMs and hypnotist activities.

b. The common fear of religious techniques and hypnosis

The most central and prominent concern that propels anti-cult actions forward is the possibility that NRMs subject their members to mind control. Even though the mind control, or “brainwashing,” thesis is unacceptable within scholarly discourse and was also overruled in court hearings worldwide time and again (Melton 2000; Shupe and Darnell 2017; Introvigne 2018), it is still widespread and highly successful in public discourse.

The mind control thesis was adopted by the anti-cult movement in the 1970s, successfully conquering the mass-media discourse. A possible definition of brainwashing/mind control is (Shupe and Darnell 2017, x),

The theory that there exist arcane, rarely understood techniques to enable nefarious persons to “capture” individual free will and render persons extremely suggestible to another’s wishes.

This vague description of a mysterious and malevolent technique, in which a person submits to suggestion, is very similar to popular definitions of hypnosis

(Bryan 2011). It lies at the heart of the argument we make in this article, and therefore will be revisited in the summary.

In fact, the fear of mind control is connected to other specific mental aspects NRMs were suspected of. One is the suspicion that NRMs' leaders plant memories (or awaken false memories) among those who join them. It is argued that these false memories are perceived by new NRMs members as newly awakened repressed (but genuine) memories, that often lead them to disassociate themselves from their families or to other behaviors perceived as "destructive" by the anti-cult movement. A similar concern revolves around the pursuit of altered states of consciousness by various means, including the use of hallucinatory drugs, a matter which, in and of itself, is usually illegal and perceived as dangerous. The concern that hypnotists may alter their subject's memory and create false memories has also come up in a legal context, especially in light of the fact that the IUHL allows the use of this practice for interrogation purposes (see Gabay 2012; Har'el 1983.)

Generally, concerns that NRMs members would experience hostile mind takeover lead to present them as helpless, and therefore as in need of the special protection of the law and law enforcement authorities. In this sense, we can view both the limitations imposed on NRMs, as well as the attempts to enforce the IUHL in regard to NRMs arena, as a result of the wish to defend the members of a disadvantaged group, viewed as such due to the control allegedly exerted upon their minds by NRMs' leaders through powerful techniques. In fact, the IUHL expresses a similar idea: the state has a duty to protect its citizens when they are at a disadvantage, in this case patients who expose themselves to suggestions by their therapists under a hypnotic state, which makes them especially susceptible.

Therefore, the IUHL is combined with two central NRMs-related concerns: the first identifies NRMs' members as a disadvantaged group, while the other recognizes the particular danger of mind control within NRMs.

4. Summary and Conclusions

"Forbidding states of consciousness is extremely dangerous, it's a sign of dark regimes." [Natalie Pik, in Livne 2013]

IUHL's original purpose had nothing to do with NRMs, even though it was legislated in the early 1980s, a time during which the moral panic about NRMs arose in Israel, and although its enforcement was increased around 2010 (as we have described in subsection 3.B.I.), when the moral panic surrounding "cults" in Israel (described in section 2.B.) was reawakened. Therefore, although the IUHL's original declared purpose did not concern NRMs, nowadays its relevancy to the field becomes evident.

If we take a look at the two rather vague and broad definitions of the above-discussed controversial terms, hypnosis and mind control, we will discover a great deal of resemblance between the two. Psychologist Philip Zimbardo defines mind control as

the process by which individual or collective freedom of choice and action is compromised by agents or agencies that **modify or distort perception, motivation, affect, cognition or behavioral outcomes** (Zimbardo 2002, emphasis added; see also the definition above in subsection 3.B.II., part b).

Similarly, the IUHL defines "hypnotism" as (emphasis added):

any act or process intended or likely to cause, by means of suggestion, **changes in the state of consciousness or degree of awareness**, or in the **body, sensation, feeling, thinking, memory or behavior**, of another person.

And indeed, the purpose of the IUHL is clearly described as a means of protecting hypnotized people from danger, particularly the dangers posed to their minds. If we revisit the purpose of the Israeli legislation, ACHL members (Aviv, Gilboa, Golan, and Peleg 2007, 48; two of the authors of this article are members of ACHL) state that,

There is widespread agreement among professionals and researchers that hypnosis, just as any other therapeutic intervention, bears potential risks when carried out inexpertly.

Accordingly, the law's goal is "to promote patients' safety and to prevent harm resulting from the misuse of hypnotic interventions."

This protection of the public, and individuals, from injury to their mind through techniques designed to powerfully influence it, in a way that may almost force them to submit to external opinions, originated outside the autonomous individual who is supposed to make decisions in a conscious and rational manner, resembles the necessity to protect the public from "cults" in the anti-cult discourse.

Clearly, the IUHL serves a professional group of hypnotists, as it limits those licensed to work in the field to a small group, who was properly trained by members of the same “clique” (see e.g., Repeal Proposal 2018). The members of this esteemed and relatively small group admit that the law aims at “improving the reputation, by increasing the awareness, and by refuting misconceptions about hypnosis” (Binyaminy and Hass 2016, 478), and that it is also meant to “improve this clinical practice’s status and reputation,” and is designed to “help hypnosis gain the credibility it deserves in the eyes of the public and the professional community” (Aviv, Gilboa, Golan, and Peleg 2007, 49).

In our context, that is, the intense linkage between hypnosis and brainwashing, this professional group’s interest in the field of mental health is worthy of comparison to another professional interest, that of deprogrammers, professionals (with or without a qualification as therapists) who claim they “help” victims of “cults” to leave their movements, shake off the remains of mind control, and rehabilitate their lives (Shupe and Darnell 2017, xi). Both cases place the treatment of the alleged danger posed to the individual or public mind in the hands of a small group of mental health professionals.

In the above sequence of arguments, there is an evident contradiction between two claims by IUHL supporters. The first is that hypnosis poses no danger, and that this profession should be promoted by refuting the fears surrounding it. The other is that hypnosis may be dangerous, therefore its performance by anyone other than a licensed professional should be prevented. The professionals’ concern for their own benefits hinders the application of IUHL in a manner that would protect patients from the interests of said clique.

Thus, it is worth listing a series of critical comments about the IUHL and its enforcement, some of which have already been mentioned above, while others are less connected to NRMs, and therefore will be mentioned briefly (and will be expanded upon in a different article).

First, the legal definition of hypnosis of IUHL is too broad and inapplicable. In its current form, it may suit a wide variety of actions, from neo-shamanic rituals to political speeches. The latter example is evident in Knesset debates, during which speakers have repeatedly accused their opposing parties of “hypnotizing the public.” For example, MK Ehud Olmert, of the Likud party (right-wing) had this to say during a debate on the IUHL bill (Knesset 1981):

We may have to give this matter further thought—sanctioning those who engage in a process of collective autosuggestion and confuses both themselves and their audience for such a long time, as the Ma'arakh party [left-wing] does. So I would like to say: Knesset members have individual immunity, but there is no collective immunity [...] I would like to propose to you, if I may even propose anything, if you're up for it: escape your autosuggestion.

This claim, though it may have been merely said in jest, demonstrate just how flexible an interpretation may be given to breaking the IUHL. In fact, this broad definition turns the IUHL to a decree that the public cannot abide, which may be the cause of its limited and sporadic enforcement. Interestingly enough, however, such arguments were not included in the proposition to revoke the law (see Repeal Proposal 2018.)

Second, the excessively broad definition of hypnosis may, as we have seen, be used by law enforcement and leaders of the licensed hypnotic profession to clip the wings of therapists, spiritual instructors, and religious practitioners, especially from the alternative arena—that is, non-mainstream groups of main religions, as well as the marginal NRMs. This concern, as we have seen, is not merely a theoretical one, and was indeed applied by the ACHL to practitioners in the spiritual-alternative arena, such as those who deal with past life regressions or NLP, and of course, those who explicitly state they have either performed or taught hypnosis. Although (almost) no charges were issued in this field, ACHL activity and the existence of the IUHL are harmful to religious freedom, and especially minority religions, and therefore also sabotage religious pluralism.

Third, hypnosis is not merely a religious practice prohibited by the Israeli law, but also a profession—ergo, the IUHL also hurts freedom of occupation, which was recognized as a constitutional right in the “Israel Basic Law: Freedom of Occupation.” The fact that a limited body of professionals only is allowed to perform hypnosis makes treatments in this method especially expensive, thus limiting it to the wealthy alone. The advantages the IUHL gives this limited professional group lead to its biased enforcement, which suits this clique and its leaders' changing interests. Additionally, desired ethical limitations (shortly listed in section 3.A.) that should be applied to this profession are not included in the IUHL or its regulations, which is a case where “the cat has been appointed to guard the cream.” Moreover, the fact that this profession's identity is typically secular, limits use of hypnosis to secular contexts alone (as we have seen in

relation to the past life regression issue), thus coming back to the matter of limiting freedom of religion.

When we take a look at the situation in Israel over the past decade, as a result of the existence and enforcement of such a unique law as IUHL, as well as in relation with “cults,” surprisingly, we find in the field of *entertainment* experiences a relative freedom regarding hypnosis (following the White and Har’el cases), even when compared to the worldwide standard, while the *spiritual-religious* field has been the target of repressive enforcement. Nevertheless, enforcement in the religious/spiritual field does not seem to have any clear direction either, but the unpredictability of the authorities in imposing such selective enforcement creates an ongoing uncertainty in the field.

Summing up, NRMs and hypnosis find themselves sharing an associative field, due both to the fear of mind control and the perception of NRM members, as well as hypnotized persons, as mentally disadvantaged victims who are subjected to a (potentially) powerful takeover of their minds. *In reality, ironically enough, the IUHL, which was meant to defend a disadvantaged constituency, has become yet another force that further weakens it*—perhaps as the immediate result of its paternalistic approach. Thus, the fear of mind control has made *the NRMs arena especially vulnerable*. Only, this vulnerability is not due to hypnotic techniques but rather *to the very existence of the IUHL*. This law limits NRMs’ freedom, including the practice, distribution and teaching of religious and spiritual techniques, as well as the freedom of providing individuals with spiritual support and services.

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