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Proposing a “Bill of Inalienable Rights” for Intentional Communities

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Abstract

Criticism directed at intentional communities often refers to violations of the human rights of community members. This article proposes a "bill of inalienable rights" for intentional communities in the hope that the proposal will stimulate dialogue and action concerning the responsibilities of communities toward their members.

For years, two questions have been troubling me concerning the responsibilities of intentional communities toward their members and toward their members' children. Both have to do with "inalienable rights" – those which can never be given away, sold, abrogated, or delegated by a person, even voluntarily. Do any such inalienable rights exist for adults who voluntarily join intentional communities? Do any such rights exist for children growing up in intentional communities? If the answer to either question is yes, then does the intentional community movement as a whole have any ethical responsibility to try to see to it that these rights are protected?

I myself have not lived in intentional community since the sixties; however, since that time I have been involved in research on communes and have visited many hundreds of them. Based upon my (possibly outdated) personal experience and my extensive research experience, I would answer "yes" to the above questions. I believe that both adult and child residents in intentional communities have certain rights that are inalienable. I believe the movement as a whole has good reasons—ethical as well as self-interested—to attempt to protect these rights.

I realize that these are not simple questions. Even if the existence of individual inalienable rights is acknowledged, these rights may conflict with more important collective inalienable rights. One example of such a collective right is that of people to peacefully assemble, even in pursuit of ideals that most other people think are crazy or dangerous. Another is the right to absolute freedom of religious expression. Such collective rights help to form the foundation of a free society. They are fragile and precious and very well worth defending. I'm sure some people would argue sincerely that the rights of individuals must be ignored because there is no practical way to protect them without compromising these much more important collective rights. However, I disagree. I am convinced that collective liberty cannot be safeguarded unless it rests upon a foundation of individual liberty.

In addition, it is far from clear that there is really such a thing as an intentional communities movement, with implications of shared ethical responsibility. If there is no such movement, then it could be argued that the individual rights of community residents are the responsibility only of that specific community. Again, I disagree. I am convinced that all people who advocate intentional community bear at least some responsibility for what goes on in even the worst of them.

But whether or not the intentional community movement as a whole wants to get into the business of protecting individual rights, it certainly ought to be discussing and debating the issue. The very freedom to establish intentional communities is beginning to come under attack in this country. Therefore, those people who cherish this freedom have an urgent and compelling mandate to debate among themselves whether any measures can be taken to protect that freedom. The kind of measure that makes most sense to me is a voluntary ethical compact—a bill of rights—that would allow the public to be able to distinguish the great majority of intentional communities from any abusive ones which might wreck the reputations of all the rest. Historically, people with ideas considered “strange” or *avant garde* by the rest of society have had the cherished right to form intentional communities. But, in recent years, the actions of a few spiritual or religious communities have led to understandable suspicion that the commune down the road may be stockpiling weapons or contemplating violence. It seems wise to discuss whether or not there may be a means by which intentional communities, both religious and secular, can distinguish themselves in the public mind from extremist groups.

After long thought and discussion, I have come up with a model bill of rights for communities. It is difficult for me to imagine anyone wanting to live in a community, whether religious or secular, that would hesitate to agree to all 10 rights below. However, I would be eager to learn what people currently living in intentional communities think of it, since most of my discussions have been with people like myself who have not lived in community since the 1960s. Perhaps some of the ideas relevant back then are no longer relevant in today’s society. And, most of all, I would be interested in hearing from children and teenagers currently living in intentional community. It is primarily with them in mind that I have drafted this bill of rights.

The proposal that follows is meant to open a discussion on the issues I have raised. I have chosen to jump right in with these very specific suggestions, not out of a belief that I have all the answers, but simply because I think that debates which start out with specific suggestions are more fruitful than those which start out discussing abstract principles. The bill of rights itself is meant to be a purely voluntary agreement with no status as a legal contract. It is modeled after the voluntary agreements that have sprung up among business firms within a common industry specifying minimum ethical standards prevailing within that industry. If enough communities can reach consensus as to the content of such a bill, perhaps public opinion can then be mobilized to exert pressure, particularly on religious communities, to sign it. The public availability of a list of groups that have signed and a list of groups that have not signed would be of great interest and value to the general public and communitarians alike.

A Proposed Bill of Rights for Intentional Communities

Preamble

In order to preserve two important rights that are often found to be in contradiction, this voluntary contract is proposed. These two rights are: (1) the absolute right to religious (or secular lifestyle) practice according to the dictates of one’s own conscience without interference by civil authorities; while at the same time maintaining (2) the right of individuals and their families to some form of recourse when subtle methods of coercive persuasion are used that result in loss of personal autonomy.

Intentional communities would be asked to volunteer to follow the guidelines within this document. By signing, they would certainly *not* in any way be acknowledging that any of the abuses addressed in this bill of rights ever has occurred or would occur within their

communities. They would be acknowledging that, because of the actions of a few abusive groups or leaders, a document of this sort has become necessary to protect the inalienable rights of spiritual, religious, and other seekers in community.

It is understood that this agreement is not intended to serve, and would not serve as a legally binding contract, nor would it be introduced in court as evidence. [I would hope that some widely respected organization (*Communities* magazine? Fellowship for Intentional Community?) would serve as repository for these signed documents.]

I propose that three lists would be published and widely distributed to the press and public: (1) a list of those intentional communities that have agreed to all of the provisions of the bill of rights; (2) a list of those that have agreed to some but not all of the provisions; and (3) a list of those that have been offered the opportunity to sign but that have chosen not to sign. Any community choosing not to sign but providing, in writing, its reasons for not signing would have the right to have these reasons circulated as an appendix to these lists.

It is important to emphasize that this bill of rights is not intended to be an all-or-nothing, take-it-or-leave-it document. It is expected that some sizable number of communities may choose to sign on to some of the articles but exempt themselves from others. This would still be quite useful, particularly if they were up-front about which articles they don't agree with, and if they are willing to state their reasons for exempting themselves from certain of the articles.

Ten Inalienable Rights

The following rights are acknowledged to be inalienable. They can never be waived, delegated, or modified, even at the purely voluntary request of the individual.

1. **Right to Leave.** Any adult person may leave the community at any time without the need to give a reason and without the need for a waiting period. Where the community is geographically isolated, transportation to the nearest town of 20,000+ population must be provided at the community's expense. Where the community is in a foreign country, transportation to the nearest American consulate or embassy or trade office must be provided instead, if that is the wish of the person leaving. No exception is made to this rule for people in novitiate, retreat, intensive meditation, or any other special status within the community.

2. **Right to Maintain Contact with Outside World.**

2.a. At least once a year a designated family member from the outside world may meet with any relative living in the community in a neutral location near the community for at least two hours without witnesses to the meeting or electronic surveillance. The designated family member shall be chosen by the family, not the community. If there is conflict within the family, two designated family members may be chosen. Each would then meet with the community member for at least one hour.

2.b. Incoming and outgoing first-class mail shall not be censored. A community member may never waive the right to have mail received unopened and promptly as it is delivered from the post office. If a community member wishes not to receive first-class mail from a certain source, that member shall mark envelope "return to sender" and initial in his or her own hand. This task may never be delegated to another person in the community even by voluntary wish of the community member.

3. **Right of Invalids and the Elderly to Continued Support.** Invalids and elderly people who have participated in the productive life of the community for many years are entitled to some degree of economic support when infirmity and/or old age makes continued work life impossible. This document is not an appropriate place to define the level of such support. Instead, the community acknowledges, in general, its responsibility to plan ahead for such support. It further acknowledges the right of its members' close kin (who might otherwise be legally responsible for such support) to be told what plans the community has made for the care of its invalids and elderly. The right to continued support for invalids and the elderly by the community shall be applied even-handedly both to those remaining members in good standing and those who have chosen to leave after a productive lifetime within the community.
4. **Right of Children to a Future with Some Degree of Free Choice.** Children being raised within the community because one or both of their parents are members of the community are entitled to special consideration. It must be remembered that, unlike their parents, they have not freely chosen this way of life. Therefore, every effort will be made to assure that these children learn something of the outside world and of how to survive in the outside world so that they are not deprived, upon reaching adulthood, of the ability to choose freely whether to continue in this way of life. It is also acknowledged by the community that it has a special obligation to provide avenues of continuing communication between the child living in the community and concerned family members living outside the community.
5. **Right to an Education.** Every child growing up in the community is entitled to an education. This education shall not be limited in such a way as to deny the child any effective choice upon reaching adulthood as to whether to stay in the community or to leave. The child's close relatives not living in the community have a right to see the child's educational records at least once a year and to see the results of any standardized tests that the child takes.
6. **Right to Clearly Defined Health Maintenance Procedures and Open Access to Health Records.** The community shall define its health maintenance procedures in writing with particular attention to ways in which the community's health philosophy differs from that of the secular society. This document shall be freely available. Interested third parties, especially relatives not living in the community, have a right to expect community cooperation in their efforts to examine the non-confidential health records of community members or children.
7. **Right to Freedom from Sexual or Marital Compulsion.** Community members have the right to refuse to participate in any sexual behavior at any time without giving reasons and without regard to any previous history of participation in such activities. Community members have a right to refuse to get married to any person suggested by the community or its leaders without having to give reasons and without regard to any previous consent or promise. The threat of expulsion from the community, in particular, shall never be used in order to overcome sexual reluctance or reluctance to get married.
8. **Right to Moderation and Common Sense in the Administration of Discipline.** Torture (as defined by Amnesty International) will never be used on any person at any time for any reason.

Corporal punishment (beyond one or two slaps with the hand), if used at all by the community, shall be subject to the following limitations: (a) never used on a child under

the age of three; (b) after the age of three, if not administered by the child's own parents:

- At least one of the child's own parents shall be present for the entire punishment.
- If one of the child's own parents cannot be present, at least two adult witnesses other than the person administering the punishment must be present.
- If one of the parents cannot be present, the date and time of the punishment shall be entered into a log book.
- The person administering the punishment and all of the witnesses shall sign the log book next to the date and time of the event.
- The log book can be freely examined at any time by any of the following: (i) child's close relatives not living in the community; (ii) police and/or representatives of the courts; or (iii) child welfare officer (upon suspicion or cause).

9. **Right to Expect Honesty in Proselytizing.** New members or prospective members of the community have a right to expect that they will be told honestly from the very first meeting the aims and procedures of the community. By the same token, members of the community who are asked to do witnessing and/or proselytizing for the community have both the right and the responsibility to present the aims and procedures honestly to all those to whom they are witnessing.

10. **Right to Impartial Investigation of Complaints in order to Verify Compliance.** If there is a pattern of complaints that this signed agreement is being violated, the community agrees to cooperate with reasonable efforts of a neutral fact-finding committee to determine whether violations are taking place.

I hope that *Communities* readers currently living in intentional community (spiritual or secular) will consider discussing this bill of rights in their communities. I would like to get as much feedback as possible on this idea. Specifically, I would like to know: Is the idea of the voluntary subscription to such a bill of rights a good idea in general, regardless of the specific contents of the articles? Should any of the specific articles be deleted or modified? Are there any other inalienable rights that such a bill should protect? And finally: Would public circulation of a list of signatories to such a bill constitute undue pressure on some communities that might have good reasons not to wish to sign the bill?

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