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## **NORWAY: Oslo District Court suspends de-registration of Jehovah's Witnesses**

### **NORWAY: Oslo District Court suspends de-registration of Jehovah's Witnesses**

*A draconian and unjust decision by the County Governor of Oslo and Viken has been blocked by quick judicial intervention. The fight, however, continues.*

By Massimo Introvigne

Bitter Winter (04.01.2023) – <https://bit.ly/3jX3LZy> – Norway is generally considered a country friendly to religious liberty. I remember how, when I was the Representative of the OSCE (Organization for Security and Cooperation in Europe) for combating racism, xenophobia, and religious discrimination, I enjoyed the support of Norway as an OSCE participating state willing to criticize limitations of religious liberty in other countries. Norway has a system of registration of religious communities, amended in 2020, and has registered 739 different religious groups. Until December 2022, none had been de-registered on account of an assessment of its beliefs and practices. Even the Russian Orthodox Church has kept five religious entities registered (and receiving state grants), despite its vocal support for the Russian invasion of Ukraine.

There is, however, one religious organization some Norwegian media and state agencies have showed consistent hostility to for almost 25 years (the first media campaign started in 1989). Investigating the reasons for this hostility would go beyond the limits of a magazine article. It seems, however, that one element has been that accusations by “apostate” ex-members, i.e. those former members who become militant opponents of the group they have left, were taken at face value. A significant body of international sociological literature on apostates was ignored. This literature had warned for decades that “apostate” and “ex-member” are not synonyms; that apostates are only a small percentage of ex-members of a given religion; and that, while not deprived of interest, their accounts are more expressions of subjective discomfort and anger than objective depictions of the religious organization they have left.

Based on this hostility, administrative authorities and lower courts in the 1990s decided in child custody cases that Jehovah’s Witness parents were unfit to raise their children, until in 1994 and 1996 the Supreme Court of Norway ruled twice

that these decisions were based on religious prejudice.

More recently, attacks have focused on the so-called "shunning." This is the teaching and practice of Jehovah's Witnesses, which they believe is based on solid Biblical precedents, that members in good standing should not associate with ex-members who have been disfellowshipped for serious sins, of which they have not repented, or have formally left the organization (as opposed to simply becoming inactive), unless they are cohabiting relatives.

On July 9, 2021, the Borgarting Court of Appeal rendered one of the most bizarre decisions I am aware of in the long legal history of Jehovah's Witnesses. It ruled that, since she ran the risk of being shunned, a woman who had been disfellowshipped by Jehovah's Witnesses should be readmitted within their fold. Regardless of the reasons for disfellowshipping her, which I have discussed in another Bitter Winter article, that a secular court can compel a religious organization to readmit an excluded member was a legal monstrosity. Happily, with a unanimous (5-0) decision of May 3, 2022, the Supreme Court eliminated the monstrosity, and affirmed that secular courts cannot second-guess decisions of exclusion religious organizations have taken based on their interpretation of theological principles, and this regardless of the consequences of the exclusion, including shunning.

It appears the woman was supported by Rolf Furuli, a professor emeritus of Semitic languages at the University of Oslo and a disfellowshipped Jehovah's Witness, whom I know and with whom I maintain a respectful dialogue, although we disagree on almost everything.

In Norway, Jehovah's Witnesses have received state subsidies for thirty years. These are not "gifts" but allocations provided for by the Norwegian Constitution and laws to respect the principle of equality, since the Church of Norway (Lutheran) is supported by taxpayers' money. In an

administrative decision of January 27, 2022, the County Governor (Statsforvalteren) for Oslo and Viken explained that she had “received a letter from Rolf Furuli in connection with the exclusion and expulsion of members. The Ministry of Children and Family Affairs has asked the County Governor to assess whether the inquiry from Furuli reveals information of importance for the registration of and state subsidies to the Jehovah’s Witnesses.”

In the decision, the County Governor denied Jehovah’s Witnesses the state subsidy for the year 2021 based on two grounds. The first was that, in her opinion, the shunning policy created pressure on members willing to leave and thus denied their religious freedom. The second was that the shunning policy creates a “negative social control” of minors, because it is extended to baptized minors who commit serious sins and do not repent (although their Jehovah’s Witness parents and guardians should continue in their duties towards them). The County Governor added that, to some extent, the policy is also extended to unbaptized minors who had been allowed to preach before baptism and had later been excluded as unrepentant of serious sins. These unbaptized minors are not shunned, but it is recommended that Jehovah’s Witnesses in good standing should be “careful” in associating with them.

The decision of the County Governor was confirmed by the Ministry of Children and Families on September 20, 2022. These were administrative decisions, which Jehovah’s Witnesses challenged by filing on December 21, 2022, an invalidity lawsuit at the Oslo District Court.

On December 22, 2022, the County Governor issued a second administrative decision, withdrawing the registration Jehovah’s Witnesses had as a religious community in Norway since 1985, and stating that a request for re-registration under the new law had also been rejected. The grounds offered were the same that led the Governor to deny the state subsidy for 2021, after in correspondence with her Jehovah’s Witnesses

had confirmed that they had no intention of changing their religious practices to humor secular authorities in Norway.

The County Governor observed that Jehovah's Witnesses would not be denied religious liberty. They could continue to worship and preach in Norway, except that as of January 1, 2023, they would lose the right to perform legally valid marriages and to apply for government subsidies.

On December 28, 2022, Jehovah's Witnesses applied to the Oslo District Court, seeking a temporary suspension of the de-registration decision until courts of law would decide on the substance of the matter. They observed that the marriage issue is not minor, considering also that several couples had already scheduled their religious marriages with Jehovah's Witnesses. They also argued that the County Governor's decision would surely fuel public hostility against Jehovah's Witnesses, which had already manifested itself after her first order of January 2022, not only through media slander but also through physical violence against at least one Kingdom Hall.

They quoted also an editorial by Vebjørn Selbekk, editor-in-chief of the respected Norwegian Christian newspaper "Dagen," the oldest Protestant newspaper in the country, who is not a Jehovah's Witness and is critical of their theology. Selbekk expressed the fear that the County Governor may go on and punish other religious groups whose beliefs and practices she happens to disagree with, regarded the decision as anti-democratic, and expressed the hope that the Jehovah's Witnesses will "emerge victorious from the upcoming court process."

Interestingly, Monsignor Torbjørn Olsen, the Secretary of the Catholic Norwegian Bishops' Conference, wrote a letter to "Vårt Land" on December 27, supporting Selbekk's position. Olsen wrote that, "If the denial of registration stands, it may soon only be a matter of time before a number of other communities with 'incorrect' positions will be deregistered."

He also observed that the practice of shunning is not unique to the Jehovah's Witnesses, and the Catholic Church itself had in its Canon Law until 1983 a provision that Catholics should not associate with those their Church had excommunicated.

This argument also appeared in Jehovah's Witnesses' request for a temporary injunction. They observed that many of the 739 religious communities registered in Norway have provisions similar to shunning. For example, there are dozens of Muslim entities advocating sharia, where the treatment of the apostates is certainly harsher than shunning, yet action has been taken only against Jehovah's Witnesses. They also observed that the European Court of Human Rights has found the practices of Jehovah's Witnesses not objectionable and deserving the protection of international principles on religious liberty in dozens of cases.

On December 30, 2022, the Oslo District Court expressed "the opinion that the considerations and interests that Jehovah's Witnesses have brought to the fore in the case here appear to be relatively weighty. There is a clear preponderance of considerations that require temporary use of the exception rule, and the court determines that the decision of 22 December 2022 will not be implemented until further notice."

Jehovah's Witnesses scored a point but the fight continues. Clearly, there are in Norway persons in position of authority who do not accept the principle that shunning is a matter of religious choice and teaching and practicing it is protected by religious liberty, a conclusion courts have reached in the United States, Canada, Germany, Italy, and other countries. I join my voice to the editor of the oldest Protestant newspaper in Norway and the Secretary General of the Norwegian Conference of Catholic Bishops. I, too, hope that courts of law will get rid of what is an obvious administrative abuse.

*Photo: Oslo Courthouse, where the Oslo District Court is located. Credits.*

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**Massimo Introvigne** (born June 14, 1955 in Rome) is an Italian sociologist of religions. He is the founder and managing director of the Center for Studies on New Religions (CESNUR), an international network of scholars who study new religious movements. Introvigne is the author of some 70 books and more than 100 articles in the field of sociology of religion. He was the main author of the *Enciclopedia delle religioni in Italia* (Encyclopedia of Religions in Italy). He is a member of the editorial board for the *Interdisciplinary Journal of Research on Religion* and of the executive board of University of California Press' *Nova Religio*. From January 5 to December 31, 2011, he has served as the "Representative on combating racism, xenophobia and discrimination, with a special focus on discrimination against Christians and members of other religions" of the Organization for Security and Co-operation in Europe (OSCE). From 2012 to 2015 he served as chairperson of the Observatory of Religious Liberty, instituted by the Italian Ministry of Foreign Affairs in order to monitor problems of religious liberty on a worldwide scale.

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