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Understanding Jonestown: The Criminal Liabilities of the Port Kaituma Airstrip Shooting and Jonestown Massacre

Charlie Tye

Abstract

This article explores the extent to which those in a cult environment can be said to be responsible for their actions, and whether unlawful acts should instead be attributed to a controlling mind. It focuses on the Peoples Temple, a cult headed by Jim Jones. In 1977, Jones moved his followers to a remote settlement in Guyana, known informally as Jonestown. Conflict with authorities culminated in Jones ordering the assassination of a US Congressman at the Port Kaituma airstrip. Shortly thereafter, Jones ordered a mass suicide involving nearly 1,000 Jonestown residents. This paper argues that Jones could be held criminally responsible for the deaths at both the airstrip and at Jonestown. Firstly, by reviewing the literature on coercive persuasion, this paper suggests individuals within the Peoples Temple might be analogous to non-autonomous robots, incapable of criminal responsibility. Automatism is posited as a defence, and the existing principles of causation can be interpreted to attribute the airstrip shooting to Jim Jones, thought to be the controlling mind. Secondly, by dividing the victims of the Jonestown massacre into three theoretical classes, the article argues that the deaths, despite some superficial willingness, were not voluntary acts and, instead, Jim Jones was the factual and legal cause of death. On this account, the Jonestown Massacre would be an act of murder. A lacking historical account leaves this article hesitant to make definitive claims of guilt or innocence, but a sufficient philosophical and doctrinal argument exists for murder charges to be put to a jury.

1 Introduction

Jonestown, formally known as the Peoples Temple Agricultural Project, was a remote jungle colony in Guyana established by Jim Jones in 1973. Jones, a political activist turned cult leader, hoped to build a self-sustaining commune for the followers of his Peoples Temple. This imagined paradise resulted in approximately 1,000 members, led by Jones, settling in Guyana.

Allegations of abuse within the commune attracted the attention of United States (US) Congressman, Leo Ryan, who, with his entourage, visited Jonestown on 17 November 1978. Only one day later, Congressman Ryan sought to leave Jonestown with approximately twenty defecting members of the Peoples Temple. In response, Jones ordered his armed security detail, the Red Brigade, to ambush the congressional party. At the Port Kaituma airstrip, the Red Brigade opened fire, ultimately killing Congressman Ryan and four others, and seriously wounding eleven more. This event has come to be known as the Port Kaituma Airstrip Shooting.

Back in Jonestown, Jones ordered his remaining followers to die by ‘revolutionary suicide’ – thought to be the ultimate act of self-sacrifice to defy the cruel injustices in the world. When the Guyanese Defence Force entered the settlement the following day, they found 909 bodies. This event became an international sensation, responsible for the largest loss of American life in a non-natural disaster until 9/11, known infamously as the Jonestown Massacre.

Before these events are contextualised further, it must be recognised that there are inescapable limitations to understanding Jonestown. Professor Rebecca Moore, co-founder of the Jonestown Institute, has long argued that the Jonestown Massacre is clouded by the myth that all victims were gullible individuals manipulated into suicide by a malevolent cult leader, which has arguably stunted academic

investigation.¹ Even now we do not have a complete account of the historical record.² As the flow of information was concentrated in the hands of Jim Jones, he was the only person with a complete picture.³ Further, anyone who could shed light on our unanswered questions died in Guyana. This has been described this as the ‘Jonestown Vortex’, for any answer inevitably invites further questions, meaning subsequent academic work will, at least partially, be based on assumption, hypothesis or conjecture.⁴

Despite the gaps in our understanding, Jonestown invites pertinent questions of criminal responsibility, autonomy and capacity. To what extent were members of the Peoples Temple responsible for their actions? Did those who died by revolutionary suicide do so of their own volition? And, fundamentally, to what extent should we attribute the acts of seemingly autonomous moral agents to a secondary ‘controlling’ mind? In answering these questions, this article seeks to identify legal principles that could be widely applied to determine the criminal liabilities of influencers for the unlawful acts they inspire.

This article naturally encounters questions of free will and acknowledges there are those who will not accept the philosophical argument presented. To be clear this paper operates on a compatibilist account of responsibility and of the criminal law. Simply put, whether human beings have free will in a deterministic sense does not undermine our capacity to assign moral responsibility or blame.⁵ For the purposes of this paper, the question of whether the individuals analysed are capable of being responsible for their actions is independent of wider questions of free will. While scepticism of moral

¹ Rebecca Moore, ‘Is the Canon on Jonestown Closed?’ (2000) 4(1) *Nova Religio* 7.

² *ibid* 22.

³ James T Richardson, ‘Peoples Temple and Jonestown: A Corrective Comparison and Critique’ (1980) 19(3) *J Sci Study Relig* 239, 243; Jeff Guinn, *The Road to Jonestown: Jim Jones and Peoples Temple* (Simon & Schuster 2017) 106

⁴ Leigh Fondakowski, *Stories from Jonestown* (University of Minnesota Press 2013) 27.

⁵ Stephen J Morse, *Compatibilist Criminal Law* (OUP 2013) 125.

responsibility and the controversies surrounding free will pose legitimate arguments, they are beyond the scope of the paper.

1.1 Jim Jones

Jim Jones, the American cult leader, established the Peoples Temple in 1955 in Indiana as a multi-ethnic church with an unshakeable emphasis on racial equality. Jones mobilised members of the church to desegregate local businesses, and he and Marceline Jones became the first Indianan couple to adopt an African American child.⁶ Later, in 1961, he was appointed human rights commissioner.⁷ But, even in these early years, there were signs of the abuse to come. Jones routinely deceived his followers with faith healings and threats of divine retribution should they leave the Temple.⁸ In 1965, he capitalised on fears of nuclear war to move his followers to Ukiah, California.⁹

Jones preached a mishmash of theological and ideological positions, which Beck describes as an amalgamation of Christianity, socialism, communism, and atheism.¹⁰ Jones later described his religiosity as a ploy to direct people towards socialism.¹¹ Jones adapted this theology to serve his own interests, which ultimately manifested in an explicit claim to divinity.¹² Temple Pastor Hue Forston quoted Jones as saying,

⁶ Yael Ksander, 'Moments of Indiana History: Jim Jones' (*Indiana Public Media*, 25 June 2007) <<https://indianapublicmedia.org/momentofindianahistory/jim-jones/>> accessed 5 July 2020.

⁷ Guinn (n 3) 95–101.

⁸ Tim Reiterman, *Raven: The Untold Story of the Rev Jim Jones and His People* (Tarcherperigee 2008) 54.

⁹ Guinn (n 3) 110.

¹⁰ Don Beck, 'The Theology of Peoples Temple: A View From Inside' (*Alternative Considerations of Jonestown & Peoples Temple*, 25 July 2013) <https://jonestown.sdsu.edu/?page_id=33195> accessed 5 July 2020.

¹¹ Guinn (n 3) 28.

¹² Reiterman (n 8) 93.

‘[I]f you need a father, I’ll be your father. If you need a friend, I’ll be your friend. If you see me as a God, I’ll be your God.’¹³

Jones abused his divine status prolifically; even targeting devotees for sexual favours was on theological grounds. Representing himself as a god, Jones was the epitome of desire and the honour of having sex with him would inspire loyalty among Temple women.¹⁴ Men were also targeted; Jones claimed to be the world’s only heterosexual, and male followers required sexual humbling to overcome their secret homosexuality.¹⁵ David Parker Wise described Jones as using his divine status to seduce young women and dominate any man he felt threatened by.¹⁶

Jones demanded 10 per cent of a member’s monthly income, though he preferred 25. Recruits would sign over their homes, surrender their social security, and donate their possessions to live in Temple communes.¹⁷ Tim and Jean Clancy, both members of the Peoples Temple, described being worked to excess, being told to dedicate everything to the cause, and being so sleep-deprived that questioning Jones was not possible.¹⁸ Jones described his ethos as ‘keep them poor, and keep them tired, and they’ll never leave’.¹⁹ Control was further exerted through ‘catharsis sessions’ where adult members were publicly shamed for dissent.²⁰ Members were conditioned to venerate Jim Jones in all aspects of their lives, and Jones backed that conditioning with force.

¹³ Fondakowski (n 4) 67.

¹⁴ Guinn (n 3) 222–23.

¹⁵ Reiterman (n 8) 171–80.

¹⁶ David Parker Wise, ‘Sex in Peoples Temple (*Alternative Considerations of Jonestown & Peoples Temple*, 9 March 2013)

<https://jonestown.sdsu.edu/?page_id=17014> accessed 3 July 2020.

¹⁷ Guinn (n 3) 181–84, 190.

¹⁸ Fondakowski (n 4) 167.

¹⁹ Guinn (n 3) 195.

²⁰ Guinn (n 3) 240.

Jones wielded his Planning Commission as a pseudo-judicial system.²¹ Drinking alcohol, smoking, interacting with outsiders, and unsanctioned romantic relationships earned Jones's ire. Punishments ranged from public shaming to group beatings or assaults with a rubber hose.²² Mike Cartmell, who defected from the Temple in 1977, observed Jones forcing members to box before the congregation, one victim being a three-year-old whose own mother encouraged the violence.²³ Vigorous psychological, financial, and extrajudicial control were commonplace within the Peoples Temple. Consequently, members were vulnerable to Jones's coercion, deception, and manipulation long before they reached Guyana.

1.2 Jonestown

A string of defections in 1977 exposed the Temple's abusive practices and, to escape scrutiny, Jones began a mass exodus to Guyana.²⁴ He acquired the Jonestown site in 1974, and established a settlement in 1975, which developed into a small community encased by one of the world's densest jungles.²⁵

By September 1977, Jones had moved nearly 1,000 members to Jonestown.²⁶ Jones's eldest son, Stephan, attested to widespread discontent when settlers realised their tropical paradise was much less than advertised.²⁷ Jonestown was not ready for such a large influx of people; it was immediately overcrowded and food supplies were

²¹ Fondakowski (n 4) 179.

²² Guinn (n 3) 192, 285.

²³ Mike Cartmell, 'Why We Left' (*Alternative Considerations of Jonestown & Peoples Temple*, 25 July 2013) <https://jonestown.sdsu.edu/?page_id=31351> accessed 3 July 2020.

²⁴ *ibid* 331–40.

²⁵ Guinn (n 3) 2–5.

²⁶ Reiterman (n 8) 337.

²⁷ Fondakowski (n 4) 202.

heavily constrained.²⁸ Everyone surrendered their passports and personal belongings, whilst Jones deployed armed guards to deter defectors.²⁹ To many, life in Jonestown was characterised by backbreaking labour, primitive surroundings, limited rations, strict rules, and the absolute power of Jim Jones.³⁰

Discipline reached new heights in Jonestown.³¹ Those who violated his rules were subjected to group beatings, social ostracisation, or degradation in the Public Service Crew, meaning members were often afraid of everyone around them. In extreme cases, adult members were confined to a sensory deprivation box and buried underground.³² In one instance, two escapees were recaptured and held in leg irons for several weeks.³³ Eventually, Jones established the Extended Care Unit, where troublemakers would be drugged.³⁴ Defiance in Jonestown was punished harshly, and residents had every reason to be afraid of disobeying Jones.

1.3 White Nights

As Jones described it, his flock narrowly escaped the terrors of the United States, where, Jones claimed, the Ku Klux Klan was ascendant, fascism had all but taken over and military leaders were planning for the genocide of African Americans.³⁵ To keep the threat alive, Jim Jones Jr assisted his father in faking two assassination attempts.³⁶ Jones then flew a private investigator to the commune, who made outlandish

²⁸ Guinn (n 3) 355.

²⁹ Guinn (n 3) 75; Reiterman (n 8) 451.

³⁰ Guinn (n 3) 365.

³¹ Guinn (n 3) 365.

³² Reiterman (n 8) 334–35, 393–94.

³³ Guinn (n 3) 386.

³⁴ Reiterman (n 8) 450.

³⁵ Reiterman (n 8) 451; Guinn (n 3) 360.

³⁶ Fondakowski (n 4) 157–58.

claims about leading armed mercenaries to the compound.³⁷ Jonestown was rife with fear and tension; everyone expected an attack from anywhere at any time.

This tension culminated in the ‘Six Day Siege’. Owing to a custody dispute, in which Jones unlawfully retained control of a six-year old child, a Guyanese court issued a warrant for Jones's arrest. In response, Jones called his followers to attention on 7 September 1977 and told them the Guyanese Defence Force would attack.³⁸ Weapons were distributed and, for the next six days, his followers stood at the perimeter ready to fight fictional invaders. To maintain the illusion of a siege, Jones ordered his security to fire into the compound and proclaimed their willingness to die rather than hand themselves over.³⁹ The invaders never materialised; Jones was able to have the warrant suspended and declared victory.

As a consequence of the ‘siege’, in early 1978 Jones began the practice of ‘white nights’. When the residents were sleeping, an alarm would be sounded, and Jones would call to them attention. They would be informed that an external threat was poised to destroy Jonestown and that revolutionary suicide was the only solution. Dissenting residents would be identified, and were almost always among the first ordered to die.⁴⁰ Vats purporting to contain poison would be produced and everybody was expected to drink.⁴¹ Following ingestion, Jones would announce that this had been a loyalty test and residents would return to

³⁷ Reiterman (n 8) 439–40.

³⁸ Guinn (n 3) 372–73.

³⁹ Reiterman (n 8) 360–72, 391.

⁴⁰ Don Beck, ‘Murder or Suicide: Coercion or Choice’ (*Alternative Considerations of Jonestown & Peoples Temple*, 25 July 2013)

<https://jonestown.sdsu.edu/?page_id=31974> accessed 7 July 2020; Michael Bellefontaine, ‘Christine Miller: A Voice of Independence’ (*Alternative Considerations of Jonestown & Peoples Temple*, 25 July 2013)

<https://jonestown.sdsu.edu/?page_id=32381> accessed 8 July 2020.

⁴¹ Guinn (n 3) 388.

bed. The ‘white nights’ would repeat as a fortnightly routine and, by November, residents knew exactly what was expected of them.⁴²

1.4 The Jonestown Massacre

Following Jones' exodus to Guyana, several leaked reports detailing the conditions in Jonestown and ongoing legal action attracted the attention of Congressman Ryan. On 13 November 1978, a congressional party flew to Guyana to visit Jonestown.⁴³ Jim Jones initially resisted but was convinced to allow Ryan into the commune.⁴⁴ The congressional party were permitted to speak with whomever they wished, the press interviewed enthusiastic settlers, and Congressman Ryan praised the community to rapturous applause.⁴⁵ Whilst the visit appeared to be successful, unbeknownst to Jones, that same evening, Vernon Gosney, a resident of Jonestown, passed a note to a member of the press asking for help in escaping Jonestown. The following day, 26 more residents defected and asked to leave with the Congressman.⁴⁶

Congressman Ryan intended to remain in Jonestown to process any remaining defectors, but was forced to withdraw after a resident, Don Sly, attacked him with a knife.⁴⁷ The congressional party left Jonestown with the defectors, but were joined by an armed double agent sent to infiltrate the group. Shortly after they arrived at a nearby airstrip to await evacuation, armed members of Jonestown's internal security, the Red Brigade, pulled onto the tarmac and opened fire.⁴⁸ Congressman Ryan, three members of the press, and one of the defectors were

⁴² Reiterman (n 8) 399; Dianne E Scheid, ‘The Plain Ugly Truth’ (*Alternative Considerations of Jonestown & Peoples Temple*, 25 July 2013) <https://jonestown.sdsu.edu/?page_id=31947> accessed 7 July 2020, 63.

⁴³ Reiterman (n 8) 457–66.

⁴⁴ Guinn (n 3) 423.

⁴⁵ Reiterman (n 8) 487–503.

⁴⁶ Guinn (n 3) 432.

⁴⁷ Guinn (n 3) 433–34.

⁴⁸ Fondakowski (n 4) 231–33.

killed.⁴⁹ Leo Ryan became the only US Congressman to die in the line of duty, while in Jonestown the final ‘white night’ began.

As with all ‘white nights’, Jones called everyone to attention. This time, he claimed the threat was real and soldiers would soon descend to destroy Jonestown. To avoid this fate, Jones called for revolutionary suicide.⁵⁰ A mixture of cyanide, sedatives, and grape Flavor Aid was administered to the 300 children of the commune.⁵¹ Jones admonished anyone who cried as the children screamed.⁵² Vats of poison were presented for the adults to drink. Although it is unknown how many complied with this demand, the residents, one way or another, were put to death. Jim Jones died of a gunshot wound to the head; it is commonly believed to be the result of suicide. In total, including the congressional party, 918 people lost their lives.⁵³

2 The Port Kaituma Airstrip Shooting

This section examines the criminal liabilities arising from the Port Kaituma Airstrip Shooting and, specifically, the events following Congressman Ryan's withdrawal from Jonestown with several defectors, including the double agent, to the Port Kaituma Airstrip.⁵⁴ At the airstrip, armed members of the Red Brigade ambushed the congressional party and opened fire. Simultaneously, the double agent

⁴⁹ Fondakowski (n 4) chs 14–15.

⁵⁰ ‘Death Tape’ (*Alternative Considerations of Jonestown & Peoples Temple*) <https://jonestown.sdsu.edu/?page_id=29084> accessed 8 July 2020, pt 4.

⁵¹ Guinn (n 3) 443–47.

⁵² Fielding M McGehee III, ‘Q042 Transcript’ (*Alternative Considerations of Jonestown & Peoples Temple*) <https://jonestown.sdsu.edu/?page_id=29079> accessed 8 July 2020.

⁵³ Fondakowski (n 4) 3.

⁵⁴ Guinn (n 3) 433–34.

attempted to kill several defectors and the pilot before being overpowered.⁵⁵ Five were killed and 11 others were wounded.⁵⁶

Jones' intention to kill the congressional party, along with the defectors, can be presumed. In the final Jonestown recording, Jones referenced a plot to shoot down Congressman Ryan's plane and a jury later convicted the double agent of conspiracy to murder, amongst several other crimes related to the airstrip shooting, and he was subsequently imprisoned for 18 years.⁵⁷ As Jones and the remainder of the Red Brigade were later killed in the Jonestown Massacre, no further prosecutions were possible. However, working on the assumption that Jones and the Red Brigade targeted Congressman Ryan for assassination, it is argued that five counts of murder and 11 of attempted murder arise from the airstrip shooting.

Murder is committed when a person of sound mind unlawfully kills another creature in being with malice aforethought.⁵⁸ The modern interpretation of malice aforethought is a specific intention to kill or commit grievous bodily harm.⁵⁹ The fact that the fatal harm intended for Congressman Ryan struck innocent parties changes nothing; the intention to kill can be transferred onto every victim killed or wounded during the shooting.⁶⁰ But we must question the extent to which the Red Brigade were capable of criminal responsibility in light of the pressures exerted by the cult. Can the criminal law recognise Jones as the controlling mind behind the shooting? To address these questions, let us begin with the Red Brigade and a theory of coercive persuasion.

⁵⁵ Fondakowski (n 4) 231–33.

⁵⁶ Fondakowski (n 4) chs 14–15.

⁵⁷ 'Death Tape' (n 50); *United States v Layton* 549 F Supp 903 (ND 1982).

⁵⁸ 3 Co Inst 47.

⁵⁹ *R v Cunningham* [1981] UKHL 5, [1982] AC 566.

⁶⁰ *R v Latimer* (1886) 17 QBD 359 (Lord Coleridge CJ).

2.1 Coercive Persuasion

Traditionally, coercive persuasion is synonymous with notions of brainwashing, thought control, or the idea that through cultic control one person can be totally subsumed by another. Singer and West developed a theory, building upon earlier research documenting prisoners in re-education camps.⁶¹ Through systematic isolation, exhaustion, deprivation, emotional manipulation, and ritualised peer pressure, coercive persuasion is thought to undermine the victim's sense of identity and they are, ultimately, reconstructed to be subordinate to the will of another.⁶² Brown describes coercive persuasion as enabling an indoctrinator to usurp the victim's view of reality and condition them towards specific behavioural patterns.⁶³ Shapiro analogised this as a form of psychological bondage that strips the victim of the attributes that make them an autonomous human being.⁶⁴ They are transformed from independent moral agents into robots subject to a programmer they cannot defy.

Coercive persuasion could be said to have characterised the Peoples Temple long before the exodus to Guyana. Through coercive tactics, members were expected to break with their 'bourgeois' identities and be reconstructed as good socialists, subordinate to the Peoples Temple. In Jonestown, this coercion was escalated; residents became physically dependant on Jones, who ruled the settlement as his personal fiefdom.⁶⁵ Their identities were so compromised that Jones could order residents

⁶¹ Louis Jolyon West and Margaret Singer, 'Cults, Quacks, and Non-Professional Psychotherapies' in Harold I Kaplan, Alfred Freedman and Benjamin J Sadock (eds), *Comprehensive Textbook of Psychiatry* (Williams & Wilkins 1980) 3245–58.

⁶² *ibid.*

⁶³ Laura Brown, 'He Who Controls the Mind Controls the Body: False Imprisonment, Religious Cults, and the Destruction of Volitional Capacity' (1991) 25(3) *Valparaiso U L Rev* 407, 410–16, 413.

⁶⁴ Robert Shapiro, 'Of Robots, Persons, and the Protection of Religious Beliefs' (1983) 56 *Cal L Rev* 1277, 1279, 1281–82.

⁶⁵ Reiterman (n 8) 450; Guinn (n 3) 386.

to write detailed essays on how to torture and kill former loved ones trying to bring them home.⁶⁶ It is on this basis it could be argued the Red Brigade were victims of coercive persuasion, reduced from independent moral agents to non-autonomous robots.

Criminal responsibility is contingent upon personhood, which is made up of volition and desire states. Volition describes simple actions, including the functional state by which an individual moves their body in a certain way. For example, it is by Alice's volition that she picks up the gun and pulls the trigger. The desire state describes the specific outcome her volition intended to produce; Alice pulls the trigger to realise her desire of seeing James dead.⁶⁷ Alice's volition and desire must be joined to trigger criminal responsibility; neither firing a gun nor desiring another to die is, in and of itself, a criminal offence. In shooting and killing James, Alice's volition has caused the death of another, but this is not sufficient to hold her criminally responsible. Alice must desire to kill or grievously wound to be culpable of murder; alternatively, she could be culpable of manslaughter if she held a different desire state. But, if Alice's volition and desire state are divorced — for example, if her actions are the result of a reflex or involuntary action — she is not culpable.⁶⁸

Coercive persuasion uncouples a victim's volition from their desire state, transforming them into a metaphorical robot who lacks capacity for independent voluntary action. Criminal responsibility is contingent on the capacity to respond to one's own reasoning and modify one's behaviour accordingly. This necessarily depends on autonomy and responsibility. For some, a person has autonomy provided they can choose between multiple courses of action; they are responsible if they

⁶⁶ Reiterman (n 8) 428.

⁶⁷ Vincent Chiao, 'Action and Agency in the Criminal Law' (2009) 15 LEG 1, 5–6.

⁶⁸ *ibid* 6–7.

can understand and comply with social and legal expectations.⁶⁹ Robots, for example, do not have independent reasoning but respond automatically to the reasons of another; they are an extension of a programmer's volition. If the standards by which we propose to scrutinise their behaviour are external to their mode of thinking, robots cannot be morally or legally culpable.⁷⁰

In response to this, Emory proposed a specific 'brainwashing' defence.⁷¹ If coercive persuasion breaks and rebuilds the victim to serve the interests of another, their mental processes and behavioural controls are so impaired that their actions cannot be said to be their own. In law, this may be considered akin to insanity.⁷² The victim has no goal beyond appeasing their indoctrinator and acts exclusively to further those interests.⁷³ It is on this basis that it could be argued the Red Brigade ought to be excused their criminal acts. However, without refinement this defence could be too widely applied.

Coercive persuasion has been partially inspired by Robert Lifton's account of thought reform in communist re-education camps where totalitarian control was present, although its effectiveness was only temporary.⁷⁴ Victims who returned to the West reverted to their previous selves as the coercive persuasion was unsustainable without

⁶⁹ Nora Markwalder and Monika Simmler, 'Guilty Robots? — Rethinking the Nature of Culpability and Legal Personhood in an Age of Artificial Intelligence Criminal Law' (2019) 20 Crim L Forum 1, 11.

⁷⁰ Larry Alexander and Kimberly Kessler Ferzan, *Crime and Culpability: A Theory of Criminal Law* (CUP 2009) 155–60.

⁷¹ Rebecca Emory, 'Losing Your Head in the Washer — Why the Brainwashing Defense Can Be a Complete Defense in Criminal Cases' (2010) 30(4) Pace LR 1338.

⁷² *ibid* 1340–47.

⁷³ *ibid* 1355.

⁷⁴ Robert Jay Lifton, *Thought Reform and the Psychology of Totalism: A Study of 'Brainwashing' in China* (first published 1961, University of North Carolina Press 1989).

constant reinforcement possible only in the prison camp.⁷⁵ There is no evidence to suggest coercive persuasion can be accomplished without this physically coercive environment.⁷⁶ Consequently, any defence arising from coercive control is reserved for the most extreme cases.⁷⁷ Jonestown, a remote jungle settlement where total isolation could be effected with physical force, could be conceived as being an extreme case.

2.2 ‘The Totalist System’

The environment necessary to reduce victims of coercive persuasion to the status of non-autonomous robot-like beings is best described as ‘totalist’. Stein coined the term to describe how cults use isolation to effect indoctrination.⁷⁸ A totalist system isolates members from their prior support structures and sense of identity, and enforces ideological purity to limit interaction between followers. Such actions are capable of exhausting victims to isolate them from their own thoughts.⁷⁹ It is in this totalist environment that victims are subject to coercive persuasion, which begins the protracted process of their transformation into robots.⁸⁰

Totalist systems accomplish this through external threat and internal stress. The external threat is a nebulous insurmountable force that members cannot withstand beyond taking refuge within the group, whereas internal stresses, such as deprivation, hunger, and exhaustion,

⁷⁵ *ibid* 61–63, 84.

⁷⁶ James T Richardson, ‘Cult/Brainwashing Cases and Freedom of Religion’ (1991) 33(1) *J Church & State* 55, 60–61.

⁷⁷ Thomas Robbins and Dick Anthony, ‘The Limits of “Coercive Persuasion” as an Explanation for Conversion to Authoritarian Sects’ (1980) 2(2) *Polit Psychol* 22.

⁷⁸ Alexandra Stein, *Terror, Love and Brainwashing: Attachment in Cults and Totalitarian Systems* (Routledge 2016) ch 4: Totalist Indoctrination.

⁷⁹ *ibid* 54, 63–68.

⁸⁰ *ibid* 64.

deplete cognitive resources, limit self-reflection, and prevent the victim from challenging their environment.⁸¹ The victim becomes more susceptible to fearing the external threat and more likely to seek comfort within the group, which, in turn, exacerbates their fear.⁸² This becomes a constant cycle of trauma, undermining the victim's identity and autonomy, which, if left unchecked, could see them subordinated to the will of another.

Most cults cannot operate a totalist system unchecked. Members cannot be totally separated from the outside world and will inevitably be exposed to external influences. It is through this that they can form the necessary connections to escape the cult, informally known as the escape hatch.⁸³ The cycle of trauma can be interrupted and escaped so long as members have the capacity to form escape hatch connections. So long as this is true, the totalist system is incomplete and, thus, the process of coercive persuasion is imperfect. The complete totalist system perfects the process by closing the escape hatch; it succeeds by totally isolating members and perpetually subjecting them to the traumatic cycle. It is this which reduces the individual to a non-autonomous robot-like state.

Selisker describes this transformation as being analogous to the 'break', a phenomenon associated with victims of torture where their reality is reduced to a single set of rooms and experiences.⁸⁴ Coercive persuasion in a complete totalist environment may affect constant trauma sufficient to produce something similar known as the 'snap'. The snap dilutes and restricts the individual's perception of reality until they are defined by their totalitarian environment. They are enthralled to their indoctrinator and conditioned to behave as if they were a human automaton.⁸⁵

⁸¹ *ibid* 69–70.

⁸² *ibid* 71–72.

⁸³ *ibid* 82–84.

⁸⁴ Scott Selisker, *Human Programming: Brainwashing, Automaton, and American Unfreedom* (University of Minnesota Press 2016) ch 4, 130–32.

⁸⁵ *ibid* 132, 136–42.

The Peoples Temple in California could be described as an incomplete totalist system. Whilst members were cut off from external support networks, deterred from defection, and subject to the external threats and internal stresses, Jones could not totally isolate or physically restrain his followers without consequence. In this sense, members, if they so wished, were able to form escape hatch connections and walk away. The cycle of trauma could not entirely strip them of autonomy. Jonestown, by contrast, might be described as a complete totalist system. Residents could not leave of their own volition as their passports were seized on arrival, they were encased on all sides by a deadly jungle, and they were unable to communicate with the outside world. This traumatic cycle could be repeated in perpetuity and it is feasible that some members experienced the snap and became subordinate robot-like beings.

2.3 Robots

Totalism depends on coercive persuasion but only in extreme cases does it deprive members of their autonomy. When determining whether a totalist system is complete, the robot analogy proves illuminative. Ying distinguishes between autonomous robots who act independently in accordance with their programming and individuals who act merely as tools performing automatic functions.⁸⁶ Programming in the first instance serves as a value system, generating principles by which the robot interacts independently with the outside world.⁸⁷ This robot would be capable of communicating their decision-making with reference to those principles and their environment; this is the hypothetical smart robot. Smart robots possess the bare minimum of rationality necessary for criminal responsibility to be attached.⁸⁸ Victims of coercive persuasion in an incomplete totalist system could be conceived of as

⁸⁶ Ying Hu, 'Robot Criminals' (2019) 52 U Mich J L Reform 487.

⁸⁷ *ibid* 499–500.

⁸⁸ *ibid* 497–512, 515, 519–23.

smart robots; trauma would have induced a partially robotic state but stopped short of destroying their autonomy.

The incomplete totalist environment in California may have prevented members from becoming automatons. Instead, members may have been the equivalent of smart robots, impaired by a value system imposed upon them through coercive persuasion, but with their decision-making capacity still intact. Consequently, their impaired reasoning was still sufficient to attract criminal responsibility. This changed in Guyana. It is feasible residents were subjected to a complete totalist system in which reality began and ended in Jonestown. The outside world ceased to exist, and an unbroken cycle of trauma could strip them of the autonomy and responsibility attributed to smart robots. To Gless, robots without the capacity for self-reflection and moral evaluation cannot be considered culpable.⁸⁹ Instead, they are tools, a blameless means by which another effects their will on the world.⁹⁰ It is plausible that the totalistic environment in Jonestown allowed unimpeded trauma to reduce the Red Brigade to a robotic state where they served as the tools of another. Mere tools are incapable of moral reasoning; if we do not blame the drone for the murder ordered by its pilot, it stands to reason that we should not blame the Red Brigade for an assassination commanded by Jim Jones.

2.4 Proposed Legal Argument: Automatism

For the criminal law to distinguish between smart robots and robots without capacity, the defence of automatism is proposed. Automatism is the claim a defendant's consciousness is so divorced from their

⁸⁹ Sabine Gless, 'If Robots Cause Harm, Who Is to Blame? Self-Driving Cars and Criminal Liability' (2016) 19(3) *New Crim L Rev* 412, 416–23.

⁹⁰ *ibid* 425.

actions that they must be involuntary.⁹¹ In *Burgess*, the court described a defendant who successfully relied on automatism as suffering a defect of reason, and was therefore exonerated on the grounds that they acted without conscious motivation.⁹² This is a high threshold that requires the defendant's mind to be so compromised as to construct their actions as involuntary reflexes.⁹³ For automatism to be sustained, a defendant must demonstrate their mind was entirely detached from their body.⁹⁴ This was clarified by the Court of Appeal in *Attorney General's Reference No 2* to mean a defendant suffering from a 'total destruction of voluntary control'.⁹⁵ The aforementioned class of smart robots would not meet this threshold and would therefore be criminally responsible for their actions. Robots who lack the necessary capacity after being subject to a complete totalist system may satisfy the criteria, permitting them to rely on automatism. In practice, it would be for juries to determine whether a defendant is so impaired by coercive persuasion as to be considered criminally non-culpable.

In *Coley*, Coley sought to rely on automatism after being convicted of attempted murder, a crime allegedly committed in a psychotic state where he believed himself to be a video game character.⁹⁶ The court denied this appeal, breaking down the offence into its components. Coley decided to break into another's home, decided to arm himself, decided to dress for the occasion, and, delusional or not, had a clearly conscious motivation. Automatism requires the defendant's actions to be completely beyond their control.⁹⁷ Initially this might be said to exclude members of the Red Brigade from automatism: they armed themselves, followed the congressional party, and opened fire.

⁹¹ John Child and David Ormerod, *Smith, Hogan, & Ormerod's Essentials of Criminal Law* (3rd edn, OUP 2019) 307.

⁹² *R v Burgess* [1991] 2 QB 92 (CA).

⁹³ *Watmore v Jenkins* [1962] 2 QB 572 (QB).

⁹⁴ *R v Isitt* (1978) 67 Cr App R 44 (CA).

⁹⁵ *Attorney General's Reference (No 2 of 1992)* [1994] QB 91 (CA).

⁹⁶ *R v Coley* [2013] EWCA Crim 223, [2013] MHLR 171.

⁹⁷ *ibid* [23] (Hughes LJ).

However, coercive persuasion informs us that a victim subject to an unimpeded cycle of trauma is reduced to a non-autonomous robot incapable of making any decisions. On this account, the Red Brigade simply took the necessary steps to execute their programming.

While coercive persuasion is yet to be recognised by the courts, external, but extreme, trauma is capable of inducing automatism. In *Hennessy*, stress and anxiety were rejected as triggers for automatism as they were facts of life and not at all extraordinary.⁹⁸ Although no precise definition of extraordinary trauma was given, when considering the complete totalist system that members of the Red Brigade were subject to, it is difficult to envision a more extreme set of facts. In *R v T*, a defendant who claimed her actions were driven by a dreamlike state caused by rape successfully relied on automatism; a largely unreported Crown Court decision was later endorsed by the Court of Appeal.⁹⁹ It stands to reason that, if physical and psychological trauma is capable of inducing automatism, it would not be a novel stretch for this to be true for those subjected to a complete totalist system.

There is a distinct difference between these types of trauma: rape is necessarily non-consensual, but this is not true for coercive persuasion. In the Peoples Temple, going to Jonestown was an honour and residents entered the commune of their own volition. In *Bailey*, a defendant who voluntarily failed to take their medication was not permitted to rely on automatism when it resulted in him attacking another with an iron bar.¹⁰⁰ Defendants who recklessly or intentionally put themselves in a position likely to induce automatism cannot then benefit from the defence.¹⁰¹ It could be argued that the Red Brigade are in the same position, for they were capable of independent choice when they

⁹⁸ *R v Hennessy* [1989] EWCA Crim 1, [1989] 1 WLR 287.

⁹⁹ *R v T* [1990] Crim LR 256 (note); Brian Riley, 'Post-Traumatic Stress Disorder and Dissociative State — Defence of Non-Insane Automatism or "Insanity"' [1990] Crim LR 256; *AG's Reference* (n 95) 95, 104 (Lord Taylor).

¹⁰⁰ *R v Bailey* [1983] EWCA Crim 2, [1983] 1 WLR 760.

¹⁰¹ *ibid* 765 (Griffith LJ).

decided to migrate to Jonestown. The coercion of the Peoples Temple was well known by the time of the exodus, and thus it could be argued the Red Brigade would have known their migration was likely to result in trauma. It is important to consider whether this should be a barrier to the defence of automatism.

It is argued that, while trauma may have been foreseeable, the harm was not. In the case of *Hardie*, the defendant was permitted to rely on automatism despite consensually taking Valium, for there was no obvious connection between the drug and the resulting arson. The question for the jury was whether taking the drug was sufficiently reckless as to merit a guilty verdict.¹⁰² Murder is a crime of specific intention — it cannot be committed recklessly — thus for automatism to be entirely disregarded there must be a precise connection between the defendant's voluntary act and the death. Whether or not members of the Red Brigade knowingly entered a traumatic environment, it is difficult to comprehend they held the necessary foresight that they would be deployed as assassins in a Guyanese jungle. It is on this basis that automatism should not be dismissed outright but should be left to a jury.

2.5 Proposed Legal Argument: Jim Jones

If we are to construct the Red Brigade as non-autonomous robots, then, logically, responsibility for their actions would reside with a secondary controller. This controlling mind would be culpable for the actions it ordered of its human automatons, as if it had used any other tool to fulfil their criminal intent. For the Red Brigade, this controlling mind was Jim Jones. It is therefore pertinent to consider whether the criminal law could hold Jim Jones accountable for the murders and attempted murders he set in motion.

¹⁰² *R v Hardie* [1984] EWCA Crim 2, [1985] 1 WLR 64.

The first question is factual causation: whether we can attribute the crime to the defendant's actions. Since *White*, causation has been determined through the 'but for test', that is, but for the defendant's actions would death have occurred?¹⁰³ Jones may not have pulled the trigger, but his orders set a chain of events in motion without which death would not have occurred. This is his criminal act.¹⁰⁴ A charge of murder is not confined to those who deliver the killing blow but can flow from any act or omission that results in death.¹⁰⁵ Given that the airstrip shooting and resulting deaths flowed directly from the commands of Jim Jones, there is a case to be made that factual causation is satisfied.

The second question we must consider is legal causation, that is, whether the defendant's act or omission significantly contributed to the resulting harm.¹⁰⁶ This requires an intrinsic link between the defendant's conduct and the harm caused.¹⁰⁷ An intrinsic link exists so long as the defendant's action directly and significantly contributes to death.¹⁰⁸ For example, in *Kennedy*, the House of Lords ruled that a defendant could not be charged with manslaughter for preparing and handing a syringe full of heroin to the deceased, for unless his action directly caused the victim to inject the drug there was no intrinsic link,¹⁰⁹ while in *Mellor* the defendant could be convicted of murder when they inflicted injuries that brought on fatal broncho-pneumonia.¹¹⁰

¹⁰³ *R v White* [1910] 2 KB 124 (CA).

¹⁰⁴ *ibid* 130 (Bray J).

¹⁰⁵ *R v Gibbins and Proctor* (1919) 13 Cr App R 134 (CA) 139 (Darling J); *R v Blaue* [1975] EWCA Crim 3, [1975] 1 WLR 1411.

¹⁰⁶ *R v Warburton and Hubbersty* [2006] EWCA Crim 627.

¹⁰⁷ *R v Dalby* [1982] 1 WLR 425 (CA).

¹⁰⁸ *R v Hughes* [2013] UKSC 56, [2013] 1 WLR 2461.

¹⁰⁹ *R v Kennedy (No 2)* [2007] UKHL 38, [2008] 1 AC 269.

¹¹⁰ *R v Mellor* (1996) 2 Cr App R 245 (CA).

Orders given by Jim Jones to his non-autonomous subordinates to kill are intrinsically tied to the resultant deaths. In *Bentley*, a defendant who shouted 'let him have it' to an armed accomplice who then shot a police officer was convicted and executed for murder. Decades later, the conviction was quashed, though the Court of Appeal reinforced that a properly directed jury would be entitled to convict the defendant of murder on these facts.¹¹¹

The defendant does not need to be the sole cause of death; their contributions can remain significant even with others involved.¹¹² If a defendant set in motion a chain of events calculated to cause death or grievous bodily harm, their intention flows through all subsequent acts.¹¹³ *Attorney General's Reference No 3* clarifies this to mean death is treated in law as if it occurred at the moment the chain was set in motion.¹¹⁴ In this sense, Jim Jones set a chain of events in motion the moment he ordered his followers to kill; it should be as if the shooting happened then and there. Direct contact is unnecessary; the deaths cannot be separated from his command and thus he ought to be culpable for them.¹¹⁵

The actions of the Red Brigade should not be sufficient to break the chain of causation. In *Cogan and Leak*, Leak facilitated the rape of his wife by misleading Cogan into thinking she wanted to have sex with him.¹¹⁶ Cogan was charged and acquitted of rape, though Leak was convicted of aiding and abetting rape. The Court of Appeal upheld Leak's conviction on the grounds that he used Cogan to procure a criminal purpose. Similarly, in *DPP v K*, two defendants who

¹¹¹ *R v Bentley* (2001) 1 Cr App R 21 (CA).

¹¹² *R v Benge* (1865) 4 F & F 504, 176 ER 665; *R v Cheshire* [1991] 1 WLR 844 (CA).

¹¹³ *R v Church* [1965] EWCA Crim 1, [1966] 1 QB 59.

¹¹⁴ *Attorney General's Reference (No 3 of 1994)* [1997] UKHL 31, [1998] AC 245, 261 (Lord Mustill).

¹¹⁵ *R v Mitchell* [1983] QB 741 (CA); *R v Smith* [1959] 2 QB 35 (CA).

¹¹⁶ *R v Cogan and Leak* [1975] EWCA Crim 2, [1976] QB 217.

imprisoned a young girl and instructed another boy to penetrate her were also liable for rape.¹¹⁷ Once again, the defendants were responsible because they used another person as their tool. In *Cogan*, the tool was an independent moral agent; in *K* the tool was a vulnerable young boy. To that end, this principle should be easily extended to any non-autonomous robot-like beings in Jonestown. If Jones used coercive persuasion within a totalist system to subordinate the Red Brigade to his will, he used them as tools to facilitate his criminal purpose and ought to be liable for the offences procured.

On this account, the criminal law can hold Jim Jones to account for the murders and attempted murders arising from the airstrip shooting. Jones set in motion a chain of events where death was a natural consequence of his orders. He remained a factual, substantial, and operating cause of death as if he had possessed and programmed armed drones to kill Congressman Ryan. The fact that his drones were human beings changes nothing; factual and legal causation can be satisfied and, thus, there is a case to go before a jury.

3 The Jonestown Massacre

During the early evening of 18 November 1978, Jones summoned the residents to the central pavilion. He claimed responsibility for the plot to kill Congressman Ryan and warned that Temple enemies would invade Jonestown in retaliation. Couched in the language of mercy, he called for revolutionary suicide.¹¹⁸

The children were put to death first. Using syringes to strategically trigger the swallow reflex, nurses squirted a mixture laced with cyanide down their throats. Older residents were similarly injected in their cabins. There is little controversy here; anyone forcefully injected with

¹¹⁷ *DPP v K* [1997] 1 Cr App R 36 (QB).

¹¹⁸ Death Tape (n 50) 3.

cyanide by another has been murdered. Murder charges against Jones could be established on the existing principles of joint enterprise in this respect.¹¹⁹ Thus, this article is more concerned with resolving the liabilities of the subsequent victims.

Under the watch of armed guards, vats of poison were presented to the adults, who were expected to drink. We will never know how many complied. A Guyanese medical examiner, Dr Mootoo, suggested some might have been forcibly injected and there are historical accounts to that effect.¹²⁰ This is, of course, speculation as the advanced decomposition of the Jonestown dead prevented a definitive analysis. Rebecca Moore identified a consensus that the vast majority drank the poison of their own volition, leaving a small minority of dissenters who did not.¹²¹

Chidester describes the Jonestown Massacre as being motivated by the genuine belief that suicide was preferable to the dehumanising death members expected from external invaders.¹²² Jones claimed anyone who survived him would be seized by invading fascists, tortured, and deported to concentration camps.¹²³ Suicide became merciful in comparison to the brutality of an outside invader, and this rhetoric was integral to life in Jonestown.¹²⁴ Each white night was driven by Jones passionately arguing that suicide was merciful when compared with

¹¹⁹ *R v Jogee* [2016] UKSC 8, [2017] AC 387.

¹²⁰ Leslie Mootoo, 'Guyana Inquest' (RYMUR Section 28, Serial 1840, 13 December 1978); Tim Carter, 'Murder or Suicide: What I Saw' (*Alternative Considerations of Jonestown & Peoples Temple*, 25 July 2013) <https://jonestown.sdsu.edu/?page_id=31976> accessed 5 July 2020.

¹²¹ Rebecca Moore, 'Rhetoric, Revolution, and Resistance in Jonestown, Guyana' (2013) 1(3) *J Relig Violence* 303–05.

¹²² David Chidester, *Salvation and Suicide: Jim Jones, the Peoples Temple, and Jonestown* (Indiana UP 2003).

¹²³ *ibid* 131–46.

¹²⁴ Moore, 'Rhetoric, Revolution, and Resistance in Jonestown, Guyana' (n 121) 306–08.

fascist torture.¹²⁵ This even extended to heaping praise on parents who promised to kill their own children before they fell into enemy hands.¹²⁶ Moore observes that the Peoples Temple had long preached the virtue of self-sacrifice, which facilitated the eventual shared view of the Jonestown Community that swift and merciful death epitomised love and compassion.¹²⁷ Only through revolutionary suicide could the residents defy their oppressor, escape a dehumanising death, and protest the inhumanity of the world.¹²⁸

Jones's culpability is grounded in deceit. America had not fallen to fascism, there were no concentration camps, and no outside invaders were ready to torture the Jonestown population. Nothing on the scale he described was ever going to happen. The dehumanising death his followers sought to escape was a fiction. However, Jones's culpability may go well beyond lying. Not only did he plan for this eventuality but he rehearsed his followers for the inevitability of mass suicide and directed his agents to import and test potassium cyanide.¹²⁹ His deceit was no spontaneous act but part of a wider pattern to realise his ambitions for mass suicide.

Jones used manipulation, coercion, and deception to kill his followers. It is on this basis that it is argued he ought to be constructed as a murderer. To address each type of conduct, the victims are divided into three classes. First, the non-autonomous robot-like members of the community, whose existence was posited earlier. Second, those who were coerced to take the poison because the alternative was to be forcefully injected or shot. Finally, true believers, who genuinely believed Jim Jones and died to avoid the dehumanising death they were

¹²⁵ Moore, 'Rhetoric, Revolution, and Resistance in Jonestown, Guyana' (n 121) 314.

¹²⁶ Chidester (n 122) 147.

¹²⁷ Moore, 'Rhetoric, Revolution, and Resistance in Jonestown, Guyana' (n 121) 307.

¹²⁸ Moore, 'Rhetoric, Revolution, and Resistance in Jonestown, Guyana' (n 121) 317.

¹²⁹ Guinn (n 3) 389; 'Memo From Dr Schacht' (Alternative Considerations of Jonestown & Peoples Temple).

deceived into expecting. It is likely members that Jim Jones did not act alone; many of his inner circle were aware of both his deception and murderous ambitions.¹³⁰

It should be noted these descriptions capture a set of logical spaces rather than an empirical description. Each category defines a possible type. Whether in fact there were any tokens of these types and, if so, how many, is an empirical question not only beyond the scope of this article but also beyond the scope of the historical record as we have it. Furthermore, it is important to acknowledge that these categorical heuristic devices are deployed here to develop our understanding of potential liability of Jones and his victims. They do not attempt represent the lived reality of those present in Jonestown nor are they intended undermine the truly catastrophic human tragedy that took place.

3.1 The Robots

Say a robot, programmed to obey an operator, is built with a self-destruct button. The robot is an amoral tool by which the operator exerts their will on the world. The operator would therefore be solely responsible should the robot be ordered to kill. A robot ordered to press the self-destruct button is no more responsible for suicide than for the killing. The robot's self-destruction is caused by the operator. If the robot is replaced with a human actor ordered to destroy their sense of self via mind control, the operator would be liable for murder.

It is posited that residents were subordinated to Jones, so that they had become non-autonomous robot-like beings and were incapable of drinking the poison of their own volition. But for Jones's command to self-destruct, their deaths would not have occurred, thus factual causation could still be satisfied as Jones remained a substantial and

¹³⁰ Whilst their culpability is beyond the scope of the paper, it is likely they would also attract a high degree of criminal liability.

operating cause of death. Neither legal nor factual causation is undermined when a robot's violence is directed inwards. Consequently, it would be appropriate for a jury to determine whether Jim Jones murdered his non-autonomous robots.

3.2 The Coerced

Whatever residents made of the dehumanising death Jones promised, the Peoples Temple was no monolith. It is evident not everyone wished to die. Christine Miller verbally dissented, Marceline Jones resisted to the point Jim Jones ordered she be physically restrained, and three successfully escaped the commune.¹³¹ For those who did not want to die but could not escape, the notion that they were coerced is a distinct possibility. Armed members of the Red Brigade patrolled the pavilion, and it is possible dissenters were forcefully injected with cyanide. Residents were given a simple choice: drink the poison, be injected with the poison, or be shot by the Red Brigade.

To demonstrate the threat this poses to victim autonomy, consider the following hypothetical. Say Alice approaches James with a gun, throws him a vial of poison and instructs him to drink or be shot. Should James decide to drink, his cause for suicide does not come from within but is imposed by an external force. Instead, death is the product of Alice's coercive choice. Rogers argues that a defendant who inflicts physical or psychological trauma to bring about suicide forges a causative link between their wrongful act and the death.¹³² Thus, criminal causation is unbroken when suicide is the natural result of a defendant's action.¹³³ Say James jumped from a balcony to escape Alice but underestimated the height and died on impact. Surely the death is still attributed to her: but for Alice's violent conduct, neither the escape attempt nor death

¹³¹ Guinn (n 3) 445, 456.

¹³² Audrey Rogers, 'Death by Bullying: A Comparative Culpability Proposal' (2014) 35(1) *Pace L Rev* 343, 355–56.

¹³³ *ibid* 356–57.

would have occurred. Likewise, but for Alice's coercive choice, James would not have drunk the poison. Her wrongful acts provoked the suicide; she has caused the death and is responsible for homicide. If this was her intention, she is a murderer.

There is little domestic case law on this point, though there are several US cases that prove illuminative. In *Stephenson v State*, the grand dragon of the Ku Klux Klan abducted, raped, and mutilated a woman who later died by suicide.¹³⁴ The court held that the defendant subjected the victim to his absolute and inescapable control, which led to her believing she had no viable alternative to suicide.¹³⁵ The circumstances imposed upon her by the defendant rendered her mentally irresponsible and, as suicide naturally followed, he could be guilty of murder. In *State v Lassiter*, the defendant tormented his victim to the point that she threatened to jump out of a window. The defendant's conduct was said to impose a choice upon her: be beaten to death or suffer a swifter demise at her own hands. The court held that, by imposing this choice, the defendant caused the suicide and was properly convicted of murder.¹³⁶

Alice has imposed a similar choice on James. Should he decide poison is a preferable end to the bullet, this does not reflect either his will or any authentic desire on his part. He submits rather than consents to her terms. The Court of Appeal distinguished between consent and submission in *Olugboja*.¹³⁷ The defendant contested his conviction for rape on the grounds the victim verbally consented, even after being abducted and raped by the defendant's friend. The court held that the victim was so impaired by the ordeal she was unable to give consent; instead, she offered submission, which did not excuse the defendant.¹³⁸ Similarly, James submits to Alice's coercion by drinking the poison. His

¹³⁴ *Stephenson v State* 179 NE 633 (IN 1932).

¹³⁵ Rogers (n 132) 359.

¹³⁶ *State v Lassiter* 197 NJ Super 2, 484 A 2d 13 (NJ 1984).

¹³⁷ *R v Olugboja* [1981] EWCA Crim 2, [1982] QB 320.

¹³⁸ *ibid* 332 (Dunn LJ).

act of compliance is not sufficient to break the causal chain and absolve Alice. She has caused his suicide, and ought to be liable for that as if she were a murderer.

Those in Jonestown who were coerced are in the same position as James. A choice was imposed upon them by Jones where the only certainty is death. If they did not want to die, the case can be made that their suicides were caused by another's inescapable coercion. On this account, their decision to drink the poison is not an independent act but compliance extracted through coercion. Thus, the coerced have been murdered and, with nothing to break the causal link between Jones's coercive conduct and their deaths, he ought to be charged accordingly.

3.3 True Believers

True believers are conceived as individuals who accepted Jones's narrative without question and drank the poison out of genuine fear of a dehumanising death. Likely, many of them were among those who thanked Jones for bringing them and their children peace.¹³⁹ The extent of their uncritical devotion to Jones creates an instinct to group true believers alongside the robot-like members of the community, but this would be an oversimplification. It is argued that these individuals genuinely believed in Jim Jones, rather than forming such views due to the coercive persuasion. This distinction is inspired by Rebecca Moore, who describes discourse surrounding Jonestown as falling into the trap of casting everyone involved as a brainwashed cultist, with no thought spared for their humanity.¹⁴⁰ Thus, in deference to the autonomy and humanity of the victims, it must be recognised some true believers may have retained volitional capacity and went to their deaths willingly.

The liability arising because of their deaths is constructed on the basis

¹³⁹ Guinn (n 3) 445–47.

¹⁴⁰ Rebecca Moore, 'The Stigmatized Deaths in Jonestown: Finding a Locus for Grief' (2011) 35(1) *Death Stud* 42, 46.

that, despite being capable of acting on their own volition, the reasons behind the act of suicide were fraudulent. There were no fascists at the gate, no concentration camps, and no real chance of a dehumanising death. They were driven to death by suicide on a false premise. It is on this basis that this article seeks to extend the principles of causation to recognise ‘murder by deception’. This is not a proposed change to the law; it is simply an attempt to explain how deceit induced suicide should be held to satisfy the *actus reus* of murder.

3.4 Deception

Deception is an attack on autonomy, defined by Alexander and Sherwin as words or conduct to induce false beliefs in another.¹⁴¹ The victim is motivated to act on those false beliefs, meaning they are manipulated into serving the interests of a deceiver.¹⁴² Shute and Horder conceptualise deception as being capable of overriding the victim's will, by denying them the opportunity to make an authentic choice.¹⁴³

Consider a father, trusted implicitly by his daughters, who raises them to believe their family has been targeted by neo-Nazis who will torture and kill them at the earliest opportunity. Eventually, he warns them the Nazis are searching the local area and recommends the girls hide in a panic room. Days later, the father announces they have been discovered and the Nazis are moments away from invading their sanctuary. Rather than face a dehumanising death at the hands of the Nazis, the family collectively agree suicide is preferable and take their own lives.

As with the coerced, these daughters have had a choice imposed upon them by an external invader who ought to be liable for the resulting

¹⁴¹ Larry Alexander and Emily Sherwin, ‘Deception in Morality and Law’ (2003) 22 L & Phil 393, 393.

¹⁴² *ibid* 397.

¹⁴³ Stephan Shute and Jeremy Horder, ‘Thieving and Deceiving: What Is the Difference?’ (1994) 56(4) MLR 548, 552–53.

suicide. They act autonomously, given the circumstances, although the circumstances are not autonomously chosen. However, this is not true if their reasons for acting are the result of deception.

Say the father, for no good reason beyond a few days of peace, lied about the neo-Nazis to induce his daughters to hide in the panic room; their decision is neither authentic nor autonomous. Through fear they have been manipulated into serving the wishes of their father. But this does not extend beyond their decision to hide. Should the Nazis arrive, the deception would not be intrinsic to their decision-making. The daughters could authentically and autonomously choose to die by suicide to avoid a dehumanising death.

Say instead that the father is lying on the final day; there is no external invader and no real cause for suicide. Deception is now intrinsic to the decision because they cannot authentically choose to avoid a dehumanising death. Suicide would occur independently of their will because the manipulation of their father undermines their status as autonomous moral agents.

For Gardner, if a victim of deception would have chosen another course of action had they known the true facts, the deceit is so fundamental to their thought process that it makes the action involuntary.¹⁴⁴ Had the daughters known there was no real prospect of a neo-Nazi invasion, they would not have chosen to die. Consequently, the father's deception vitiates their will to suicide, prevents any exercise of autonomy, and renders the deaths involuntary.

To understand why these actions are involuntary, consider the fact that the daughters chose to die in a world where neo-Nazis were about to break down the door, but that was not the world they lived in. There is no value to their compliance because there was never a real connection

¹⁴⁴ Simon Gardner, 'Appreciating Olugboja' (1996) 16(3) LS 275, 287–88.

between the desired outcome and the act itself.¹⁴⁵ Such deception, according to Herring, is egregious because the ‘deceiver’ usurps the victim's decision-making capacity and transforms them into an instrument of their own harm.¹⁴⁶ The daughters have had their free will weaponised into carrying out their father's murderous intentions; they are but weapons by which he kills them. The father attracts the highest degree of culpability and murder becomes the most appropriate charge.

Jim Jones is no less culpable. Jones depended on deception to create the illusion his followers were under threat and ritualised the practice of white nights to condition them to accept the necessity of revolutionary suicide. He created the necessary standard at which true believers knew they would be called upon to lay down their lives. Jones's exploitation of this standard saw the true believers die to escape a dehumanising death that did not exist in the world they lived in. True believers may have chosen to die rather than live in a world without the Peoples Temple, but that was not the choice they were given. The deaths were involuntary because Jones denied them the opportunity to make an informed choice, undermined their autonomy, and twisted their will.

3.5 Murder by Deception

It is argued in this paper that a defendant who purposely causes suicide through deceit should be liable for murder. This liability is constructed on the basis that the deception was the tool that caused the suicide.

Factual causation for murder by deception should be satisfied by the defendant depriving the victim of a will to live. It is an extension of the principles used when suicide is caused by coercion. For Shaffer, if a defendant's wrongful conduct causes another to die by suicide, the

¹⁴⁵ I Matthew Gibson, ‘Deceptive Sexual Relations: A Theory of Criminal Liability’ (2020) 40(1) OJLS 82, 86–97.

¹⁴⁶ Jonathan Herring, ‘Mistaken Sex’ [2005] Crim LR 511, 524.

victim's will is not a driving force behind their death.¹⁴⁷ The defendant has transformed the victim into an instrument by which their murderous intentions are exercised, for which they ought to be culpable.¹⁴⁸

Jim Jones accomplished this by convincing those who trusted him that there was an imminent fascist invasion in which their homes would be destroyed, their children would be tortured, and all would be slaughtered. He made them believe they were in an utterly hopeless position, depriving them of the will to live. In the world they believed themselves to be in, they were faced with suicide or the utter devastation of everything they held dear. Of course, this was not the reality of their situation. But for Jones's deceptive conduct, there would have been no cause for suicide. If deceit has been intentionally used by a defendant to deprive the victim of a will to live, then they should be held as the factual cause of any resulting suicide.

Murder by deception ought to provide an exception to the general rule that suicide is an intervening act that breaks the chain of causation. Zavala argues that the defendant who sets in motion a chain of events that results in suicide remains the factual and legal cause of death.¹⁴⁹ The defendant remains culpable because the victim's suicide is not sufficiently free or deliberate to break the chain of causation.¹⁵⁰ This principle has been accepted in the United States. In *People v Lewis*, the victim was shot during an altercation and promptly cut their own throat.¹⁵¹ The court held that the death could still be attributed to the defendants because the wound they inflicted was a significant contribution to the victim's decision to take their own life. Their

¹⁴⁷ Catherine D Shaffer, 'Criminal Liability for Assisting Suicide' (1986) 86(2) Colum L Rev 348, 364–66.

¹⁴⁸ *ibid* 372–74.

¹⁴⁹ Carla Zavala, 'Manslaughter by Text: Is Encouraging Suicide Manslaughter?' (2016) 47(1) Senton Hall L Rev 297.

¹⁵⁰ *ibid* 318.

¹⁵¹ *People v Lewis* 124 Cal 551 (CA 1899).

unlawful acts set in motion a chain that led to the death of another and, although they did not intend the victim to die, they were convicted of manslaughter. Domestic criminal law recognises that those who set in motion events that inevitably lead to death can be charged with murder;¹⁵² the principle should not change when the victim is deceived into becoming an instrument of their own harm.

This is eminently applicable for true believers whose suicides were not only inspired by deception but actively planned out. LaPalme asserts that the causal chain is only broken when the victim acts so sufficiently out of the ordinary that it is no longer fair to say harm was caused by the defendant.¹⁵³

True believers had been rehearsed to expect suicide at a moment's notice; their obedience as a response to deception should not be sufficiently unforeseeable as to break the chain of causation. This is particularly true of Jones, who used the white nights to ensure everyone would comply when the time came. It seems appropriate to argue Jim Jones was a substantial and operating cause of the true believers' decisions to die. Their deaths were caused by his deception; thus, he should be held as both the factual and legal cause of death. Deception was simply the weapon he used to facilitate the deaths of true believers and he should answer for that as if he had used any other tool. By interpreting the existing principles of criminal causation to recognise murder by deception, there is a case here to go before a jury.

¹⁵² *R v Church* [1965] EWCA Crim 1, [1966] 1 QB 59.

¹⁵³ Nicholas LaPalme, 'Michelle Carter and the Curious Case of Causation: How to Respond to a Newly Emerging Class of Suicide-Related Proceedings' (2018) 98(5) BUL Rev 1443, 1448.

4 Conclusion

To explore the criminal liabilities arising from the Port Kaituma Airstrip Shooting and Jonestown Massacre, this article considered each event in turn. The literature surrounding coercive persuasion was analysed, which demonstrated that the Red Brigade could be constructed as non-autonomous robot-like beings, incapable of criminal responsibility. Automatism was proposed as a legal defence to convey this non-autonomous state. The existing principles of causation could be extended to hold Jim Jones liable for the acts of his robot-like followers. If we consider that robots do not act independently, it is apparent that, but for Jones's orders, the Port Kaituma Airstrip Shooting would not have occurred. Thus, there is an unbroken causal link between his act and the murders.

For the Jonestown Massacre, the victims were divided into three theoretical classes: robot-like beings, who automatically complied with the order to self-destruct; those who were coerced, who complied under threat; and true believers, who drank the poison out of genuine fear of the dehumanising death Jones deceived them into expecting. For each of these classes, a different reasoning is required for the attribution of criminal liability.

To conclude, the criminal law of England and Wales can adequately address the harms arising from the Port Kaituma Airstrip Shooting and the Jonestown Massacre. There is a philosophical and doctrinal basis for extending the principles of causation, automatism, coercion, and deception to levy successive murder charges against Jim Jones. This is not unwarranted; the extreme facts of this extraordinary case study would have required an extraordinary legal response.