

A dangerous precedent over scientology?

Nigel Lawson examines the use of arbitrary powers against members of the cult and asks why the Foster Report is still unpublished

In reply to a written question in the House of Commons a few days ago, the Secretary of State for Social Services, Sir Keith Joseph, declared that he would be making an announcement about the publication of the Foster Report on Scientology "soon".

However soon "soon" may be, he has certainly taken his time about it. For the report, which was commissioned by his predecessor, Mr Richard Crossman, in January, 1969, has now been in his hands for the best part of eight months.

The most likely explanation for the delay must be the Department of Health and Social Security is not at all happy with the report. It is by all accounts a massive document; but unlike most such reports it is the work of a single individual, Sir John Foster, the Tory MP, QC, and fellow of All Souls who took the somewhat idiosyncratic (if understandable) course of accepting nothing but written evidence.

Moreover, as a man of pronounced libertarian beliefs, Sir John is hardly likely to have approved of the continuing use of the aliens order to forbid the entry into this country of all foreign "students" of scientology.

It is the existence of this ban that presents the Government with its most obvious headache. Imposed in August, 1968, by the then Minister of Health, Mr Kenneth Robinson, in response to growing disquiet both in and out of Parliament at the activities of the scientologists, it has been maintained by the present Government pending the findings of the Foster Report.

Mr Robinson obviously hoped that the ban might persuade the so-called "Church of Scientology" to remove its world headquarters from East Grinstead to some less inhospitable country. But without the fruits of any government inquiry to justify it, the use of the Home Office's arbitrary powers in this blunt and blanket fashion set a most undesirable precedent.

Moreover, it has failed in its purpose. Scientology in Britain shows no sign of decline and the world headquarters of the movement remains at East Grinstead. Yet to end the ban now would be widely seen (certainly if the scientologists have anything to do with it) not as a reassertion of civil liberties, but as a vindication of Scientology—if not of its tenets, at least of its harmlessness—and a repudiation of its critics.

This is hardly the impression the Government can wish to convey. A year ago, for example,

the scientologists brought an action for libel against Mr Geoffrey Johnson-Smith, MP, for having implied in a BBC television programme that Scientology was a harmful organization; the jury found that this implication was substantially true and the action failed.

The Government's difficulty, therefore, is primarily one of deciding what balancing action it might take to control the activities of scientologists in this country, some action which might be both desirable in itself and an offset to the impact to the effect of removing the Robinson ban.

After all, there are many organizations in this country that might well be considered harmful, yet that in itself is not a sufficient reason for legislating against them.

It seems likely that the Foster Report will suggest, as the only possible field for government action, an amendment to the medical Acts. It is virtually impossible to define what Scientology is, largely because 90 per cent of its literature is obscure, to say the least. But although it claims to be a church, a religion and a philosophy, it takes a very keen interest in mental health. Dianetics ("the Modern Science of Mental Health") is one of the cult's key texts, treatment of

mental illness (which, it holds, is not really illness at all) is one of its main claims, and the conventional treatment of mental illness one of its principal targets of attack.

The connexion between religion and medicine is, of course, nothing unusual, as the age-old practice of faith healing testifies. But one option open to the Government is, clearly, to make it illegal for any medically unqualified person to claim to be able to cure mental illness.

There would be precedents for this. Anyone, in English law, provided he does not claim qualifications he does not possess, can put a brass plate up outside his house, call himself a doctor, and claim to cure any disease—with the two exceptions of cancer and VD. In theory, it would be possible to add mental illness to this select list.

It is, however, difficult to imagine the Government doing this without at least some concerted representation from the medical profession that such a step was necessary; and this has not yet happened. Moreover, it is notoriously hard to define where mental illness begins and ends.

Nevertheless, there would seem to be a case for the appointment of a further committee, this time of medical men, to report on the



A leader of the scientology cult, Mr Ron Hubbard.

desirability and practicability of some such legislation. While a ban on so called fringe medicine in general would be a thoroughly retrograde step, a strong case can be made for taking special care where mental health is concerned.

However, so long as the churches continue to move away from religion and towards social work, it is probably inevitable that movements like scientology will flourish simply

by filling the vacuum. But there is one way in which the conventional religions may yet be able to score off the scientologists.

Churches, like political parties, are outside the ambit of the Trade Descriptions Act, because they do not take money for the benefits they claim to confer. A commercial organization like the Church of Scientology enjoys no such immunity. It would make an interesting test case.

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