

## Free Speech or Defamation?

Simon Singh's Attack on the British Chiropractic Association

H:MC21 wishes to express its opposition to the idea that 'science writers' have the right to publish articles which attack the livelihood and reputation of medical practitioners without providing solid evidence. We do not consider this the exercise of free speech, an example of scientific debate, or honest reporting of facts. It is an abuse of access to the media, and we believe that a respectable newspaper should distance itself from such behaviour rather than support it.

Simon Singh is currently rallying support as a supposed martyr for free speech after a ruling in the libel case brought against him by the British Chiropractic Association (BCA). It appears that he and his supporters (which include the Observer newspaper) consider that it is perfectly all right for him to threaten the reputation and careers of others by publishing "opinions", but that it is unfair for his career and reputation to be threatened by a demand for damages or evidence.

Mr Justice Eady had the following to say about Simon Singh's article in The Guardian:

"12. What the article conveys is that the BCA itself makes claims to the public as to the efficacy of chiropractic treatment for certain ailments even though there is not a jot of evidence to support those claims. That in itself would be an irresponsible way to behave and it is an allegation that is plainly defamatory of anyone identifiable as the culprit. In this case these claims are expressly attributed to the claimant. It goes further. It is said that despite its outward appearance of respectability, it is happy to promote bogus treatments. Everyone knows what bogus treatments are. They are not merely treatments which have proved less effective than they were at first thought to be, or which have been shown by the subsequent acquisition of more detailed scientific knowledge to be ineffective. Bogus treatments equate to quack remedies; that is to say they are dishonestly presented to a trusting and, in some respects perhaps, vulnerable public as having proven efficacy in the treatment of certain conditions or illnesses, when it is known that there is nothing to support such claims.

13. It is alleged that the claimant promotes the bogus treatments "happily". What that means is not that they do it naively or innocently believing in their efficacy, but rather that they are quite content and, so to speak, with their eyes open to present what are known to be bogus treatments as useful and effective. That is in my judgment the plainest allegation of dishonesty and indeed it accuses them of thoroughly disreputable conduct." (1)

In his article Singh argues that "I can confidently label these treatments as bogus because I have co-authored a book about alternative medicine with the world's first professor of complementary medicine, Edzard Ernst." (2) This is the book (Trick or Treatment?) which we analyse in depth in Halloween Science, and which we conclude "has no validity as a scientific examination of alternative medicine" (3). In short, Singh has "confidently" attacked the BCA, only to find that they demand that he prove his allegations. The judge pointed out that

"one is not permitted to seek shelter behind a defence of fair comment when the defamatory sting is one of verifiable fact."

Strangely, however, Singh has not accepted that he must prove his case, and "confidently" rely on the knowledge he gained from writing Trick or Treatment? to defend his statements. Instead he and his supporters claim that he was presenting opinions not facts and that he should be allowed to do so with impunity on grounds of his right to free speech. Few homeopaths have found that Singh

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defends their right to free speech when they are attacked in the press. Indeed Singh has shown that he is quite happy to join with those who misrepresent the facts about homeopathy, the facts about medicine and the facts about science itself.

So alternative therapists are wrong, according to Simon Singh in *Trick or Treatment?*; the BCA is wrong, according to Simon Singh in *The Guardian*; and now a High Court judge is wrong, according to Simon Singh and his supporters.

If you want to write to the Observer complaining about their support for Singh, a suggested letter is given below, but please adjust it to suit your own style of writing.

### **References**

1. Available at: <http://jackofkent.blogspot.com/2009/05/bca-v-singh-official-ruling.html>
2. Available at: <http://jackofkent.blogspot.com/2009/05/bca-v-singh-astonishingly-illiberal.html>
3. <http://www.homeopathyworkedforme.org/#/halloween-science/4533482584>