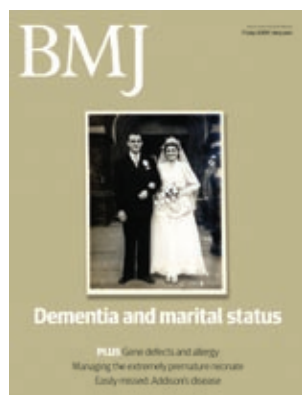


## EDITOR'S CHOICE

## Keep libel laws out of science



Editorials, p 57  
Research, p 99

I hope all readers of the *BMJ* are signed up to organised scepticism. It's not a blog but it could be. It's one of the four principles of good science as articulated by Robert Merton nearly 70 years ago. The other three—communalism, universalism, and disinterestedness—are no less important, but I had to turn to Wikipedia to remind me what they were. Merton defined organised scepticism as the requirement that scientific claims be exposed to critical scrutiny before they are accepted.

This wasn't a new idea. Tony Delamothe reminds us (p 77) that the motto of the Royal Society translates as "Take nobody's word for it," showing its commitment "to withstand the domination of authority...and to verify all statements by an appeal to fact determined by experiment."

Longstanding and essential though it is, this principle is under serious threat. As Harvey Marcovitch explains (p 61), people whose scientific claims are questioned are turning to the law to attempt to silence their critics rather than engaging in open scientific debate. England's libel laws are particularly appealing to libel tourists around the world because they put the burden of proof on the defendant, who risks incurring huge costs. Marcovitch references several cases in which libel laws have been used to stifle scientific criticism, including the ongoing fight between science journalist Simon Singh and the British Chiropractic Association (BCA).

In an article in the *Guardian* last year, Singh made claims regarding the evidence base alleged to support the promotion of chiropractic treatments

in certain non-skeletal conditions in children. As Singh explains on the website [senseaboutscience.org.uk](http://senseaboutscience.org.uk), the *Guardian* offered the BCA an opportunity to lay out their evidence rather than to sue him for libel. The BCA opted to sue.

But in response to our recent editorial by Evan Harris (*BMJ* 2009;338:b2254), the vice president of the BCA Richard Brown, has now presented the evidence (p 78). He writes, "There is in fact substantial evidence for the BCA to have made claims that chiropractic can help various childhood conditions" and lists 18 references. Readers can decide for themselves whether or not they are convinced. Edzard Ernst is not (p 79). His demolition of the 18 references is, to my mind, complete.

Weak science sheltered from criticism by officious laws means bad medicine. Singh is determined to fight the lawsuit rather than apologise for an article he believes to be sound. He and his supporters have in their sights not only the defence of this case but the reform of England's libel laws. Despite the daunting odds, Marcovitch is cautiously optimistic about the future for medical science. A US judge recently dismissed a device manufacturer's lawsuit against a group of authors, concluding that the fight should take place "in the pages of the journal, not in court." And last year when chiropractors threatened to sue over an article in the *New Zealand Medical Journal*, its editor Frank Frizelle spoke for all of us when he asked them to provide "your evidence not your legal muscle."

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