

The Eternal Commitment: Scientology's Billion-Year Contract

Phil Lord

McGill University Faculty of Law, Montreal, Canada

Abstract

In this paper, I analyse the billion-year contract, a fundamental instrument in the Scientology religion. This contract is signed solely by members of Scientology's most senior order, the Sea Organisation, after they have proven their unqualified allegiance to the Organisation. I provide an overview of the Sea Organisation and of the onerous process that leads to it. I then undertake an analysis of the billion-year contract and its fundamental role in defining and strengthening the commitment that binds the members to their organisation. I conclude that the billion-year contract is, contrary to what the Church suggests, far more than a "symbolic" commitment—it is, at once, a rebellious, visionary, and constitutive act.

Keywords: Law and religion, Scientology, billion-year contract, Sea Organisation

The Eternal Commitment: Scientology's Billion-Year Contractⁱⁱ

Before there was a religion, there was commitment.ⁱⁱⁱ And before there was a commitment, there was a contract. This counterintuitive proposition highlights the fundamentality of the billion-year contract to the members of the Scientology religion.^{iv} If the commitment precedes the religion, how can the religious contract precede the commitment? For the proposition to be accurate, we must think of Scientology followers as forming two distinct groups—the members who were a part of the religion in the years preceding and directly following its founding, and those who joined it after it was founded. Founded some 70 years ago,^v

Scientology stands out, even among new religious movements, as a very recent religion.^{vi} The first group joined the religion while its founder, L. Ron Hubbard, was alive—when the religion was being defined.^{vii} As will be explained later on, the billion-year contract is presented only to Scientology's most dedicated, full-time members: members of the Sea Organisation. Scientologists who signed the contract when Hubbard was alive are, therefore, likely to have interacted with Hubbard himself. These members, and their commitment to Hubbard and his nascent philosophy, helped define and strengthen religious Scientology. The members of the second group, in contrast, joined Scientology in the post-Hubbard era. These members had and have a far different relationship to the religion. They adhere(d) to an existing religion, with little hope of shaping it. Scientology is indeed a peculiarly unchanging religion. Every relevant rule and doctrine is in writing, with Scientology founder L. Ron Hubbard as members' only source.^{viii} There is no mechanism for or acceptability of altering the body of knowledge that Hubbard developed. Neither are there mechanisms to change the interpretation of Hubbard's works.^{ix} The commitment of more recent members is also shaped by the billion-year contract. These members join the Sea Organisation with a complete understanding of their eternal commitment to the religion. The contract precedes their commitment. It shapes, strengthens, and confirms their commitment.

In this paper, I analyse the billion-year contract and its use in the religion of Scientology. In Section I, I offer a description of the billion-year contract and of the Sea

Organisation. In Section II, I attempt to provide a framework through which we can think about the billion-year contract. I analyse the nature of contracts and of the commitment that the billion-year contract regulates. I also draw comparisons to other religious legal and quasi-legal instruments.

I. The Sea Organisation and its Billion-Year Contract

It is worth first reproducing in full the billion-year contract. Although the version reproduced following is technically unsourced, hundreds of pictures of the billion-year contract have been disclosed on the web over the past decades. I reproduce here the version from the memoir of a former Scientologist, which is the same as that disclosed widely on the web. Flag Order 232, mentioned in the contract, does not set out the contract itself. The contract reads as follows:

SEA ORGANIZATION

Contract of Employment

I,

DO HEREBY AGREE to enter into employment^x with the

SEA ORGANIZATION and, being of sound mind, do fully

realize and agree to abide by its purpose which is

to get ETHICS^{xi} IN on this PLANET AND THE UNIVERSE and, fully and without reservation, subscribe to the

discipline, mores and conditions of this group and

pledge to abide by them.

THEREFORE, I CONTRACT MYSELF TO THE SEA

ORGANIZATION FOR THE NEXT BILLION YEARS.

(As per Flag Order 232)

Date Signed

Date Witness

Date Witness

Have the Sea Org Recruiter perform the Sea Org Swearing In Ceremony.

Your Signature

Recruiters Signature^{xii}

The contract has generated significant media attention in recent years.^{xiii} This attention is part of a broader public fascination with the religion of Scientology, a fascination that culminated in a widely watched television show, *Leah Remini: Scientology and the Aftermath*. The show has run on national television in the United States since 2016.^{xiv} Scientology has, indeed, garnered a great deal of attention in recent years, and its behaviour has been covered (and decried) in national outlets reaching millions of people, such as *CNN*^{xv} and *A&E*.^{xvi}

In my first paper, I address the sources of rules in Scientology.^{xvii} Although the public, introductory books, known as *The Basics*,^{xviii} contain some rules and information regarding enforcement mechanisms, the comprehensive set of rules and enforcement mechanisms is described in two, multi-thousand-page sets of volumes, known to Scientologists as the “red” (or “tech”) and “green” (or “admin”) volumes. The red volumes contain the technical bulletins of Dianetics and Scientology, known as Hubbard Communications Office Bulletins (HCOBs). They cover Scientology’s religious processes and practices. The green

volumes cover the management system Hubbard created a system that is used by managers of the organisation. It is described in Hubbard Communications Office Policy Letters (HCO PLs). Neither set of volumes seems to offer a description of the billion-year contract, which is highly unusual considering comprehensiveness of the volumes.^{xix}

On its public website, the Church describes the contract as follows:

The first Sea Organization members formulated a one-billion-year pledge to symbolize their eternal commitment to the religion and it is still signed by all members today. It is a symbolic document which, similar to vows of dedication in other faiths and orders, serves to signify an individual's eternal commitment to the goals, purposes and principles of the Scientology religion.^{xx}

I address in the next sections the accuracy of the various claims made in this paragraph. It is not unusual for Scientology to make inaccurate claims about its practices and scriptures on its public websites.^{xxi}

I previously mentioned that the billion-year contract is signed only by members of the Sea Organisation. The Sea Organisation is not a legal entity.^{xxii} Scientology describes the Organisation as a religious order constituted of the most dedicated Scientologists, who work as full-time volunteers for the Church. Sea Organisation members work long hours, and all of their expenses, including housing, are paid by the Church.^{xxiii} A portion of their days is dedicated to partaking in Scientology training and services.^{xxiv} Scientology describes the Organisation's history as follows:

The Sea Organization was established in 1967 and once operated from a number of ships. It was formed to assist L. Ron Hubbard with advanced research

operations and supervise Church organizations around the world. The Sea Organization is entrusted to minister the advanced services of Scientology.

The Sea Organization retains its traditional name, although today the majority of its members are based on land. In keeping with the tradition of the order's inception, however, they still wear maritime-style uniforms and have ranks and ratings.

The Sea Organization Motor Vessel Freewinds is entirely staffed by members of the Sea Organization. Utilizing the training materials developed by L. Ron Hubbard in the early days of the Sea Organization, the Freewinds has the best safety and service record of any ship in the Caribbean.^{xxv}

[. . .]

Today, some five thousand members of the Sea Organization hold staff positions in upper-level Scientology Church organizations around the world, ensuring the religion is available to the millions of Scientology parishioners who live and work outside the Church.^{xxvi}

This description is mostly accurate—although the number of Scientologists worldwide is in the tens of thousands rather than in the millions.^{xxvii} The Sea Organisation is fully distinct from the general population of public Scientologists. As stated, Sea Organisation members dedicate themselves full time to the religion. More importantly, what is expected of Sea Organisation members vastly differs from what is expected of public Scientologists. While public Scientologists may be considered in good standing even if they do not dedicate hours per day or week to the study of Scientology,^{xxviii} Sea Organisation members are expected to study Scientology scripture for several hours every day. Their access to

confidential information regarding the organisation is, as a result of their unique commitment and greater involvement, more significant. Sea Organisation members have access to membership figures and to the confidential records of individual public members. They are also involved in the management of the organisation. It is worth noting that the Sea Organisation now constitutes a very significant part of the total number of Scientologists worldwide. Because the number of public Scientologists has declined at a faster rate than the number of Sea Organisation members, Sea Organisation members have come to constitute a disproportionately large portion of the total number of Scientologists.^{xxxix}

Although the Sea Organisation is, as mentioned previously, fully distinct from the general population of Scientologists, it is common for public Scientologists to transition into the Sea Organisation. The retention rate for children born into the Sea Organisation (to members of the Organisation) is unclear. Nonetheless, many Sea Organisation members were born and educated in the Organisation.^{xxx} The process of joining the Organisation is onerous and secretive. Public members go through a transition and testing period before they are allowed to join. This period is only cursorily addressed in primary Scientology sources. Dr. Stephen Kent has elegantly analysed the evolution of this training program in Scientology sources. Space constraints prevent me from providing a close analysis of all relevant primary Scientology sources. I, therefore, reproduce Dr. Kent's analysis in the following quoted content. The quotation describes the training and discipline programs L. Ron Hubbard put in place when members were travelling aboard his ship, from where he managed Scientology for many years. As mentioned previously, *Sea Organisation* refers to the maritime heritage of Hubbard and senior church management.

Although Scientology and Hubbard himself routinely overstate(d) Hubbard's involvement in the United States military, it is accurate that Hubbard served in the Navy during the Second World War. Hubbard's experience in the Navy, along with the fact that vessels in international waters are not subject to any domestic laws,^{xxxi} explain Hubbard's decision to move to his vessel. Dr. Kent's analysis reads as follows:

Certainly, by early 1969, Hubbard had in place two training projects—the Deck Project Force (DPF) and the Pursers Project Force (PPF), but he abolished them on March 25, 1969. Apparently the DPF had trained Sea Org members on various ship duties, and the PPF presumably trained people in areas of ship finance and supply. Likewise, some time before early April 1972, Hubbard had a training program for household services called the Stewards Project Force. He also had a program called the Estates Project Force (EPF), which (as we must reconstruct from a later document), did such work as painting and sweeping. Until the advent of the RPF, the EPF also received Sea Org members for (what Scientology called) “retreading.” These staff needed constant supervision, were making obvious problems, or were performing their jobs without enthusiasm.

Apparently, however, Hubbard reinstated the DPF, because by early 1972 it had a function beyond mere training. In addition to new recruits, the DPF received Sea Org members who were questioning authority. In the peculiar logic and language of Scientology, these people had “interiorized.” That is to say, “the person is finding counter-intention in the environment which coincides with his own (this is reasonableness), and his attention becomes directed to his own

counter-intention rather than to his objective.” Said plainly, these people were questioning aspects of Sea Org life, and were finding things in the external world to reinforce their internal doubts. Consequently, the DPF was “to rehabilitate and exteriorize their attention” by getting them to do work assignments. Again said plainly, the intent of the program was to get a person to stop looking inward and (re)learn to accept the orders that the organization and its leaders demanded.^{xxxii}

Hubbard would then devise an “ethics” system, whose result would be to address “counter-intention” and poor work performance:

Lateness, poor work performance, negative attitude, etc., were “out-ethics” actions that warranted [assignment of] the offender to a lower ethics condition, which involved penalties on a gradient scale of severity. [. . .] In the [e]thics assignments we can hear the echo of Hubbard’s ideas about brainwashing, which he first discussed in 1955 and elaborated upon in the late 1960s. This staff member was to physically wear down people when trying to get them to renounce their private doubts, with the goal of getting them to completely embrace the collective goals of the organization.^{xxxiii}

Kent noted that these conditions existed through the early 1980s. He quoted a former participant as stating that her assignments involved “cleaning toilets, corridors[,] and hotel rooms[, and] some painting and construction work,” and that participants were required to recognise that they “really [were] that bad and evil.”^{xxxiv}

These programs seemingly gradually morphed into two separate yet similar programs, the Estates Project Force (EPF), which serves to train and discipline new Sea

Organisation members, and the Rehabilitation Project Force (RPF), which disciplines and punishes existing Sea Organisation members. As Hubbard reduced his involvement in the management of the organisation and ultimately passed away, the programs he devised at sea were institutionalised and spread around the world. I have described the RPF as a correctional facility within Scientology’s legal system.^{xxxv} The RPF and, more specifically, one of its sites named *The Hole*^{xxxvi} have generated significant interest in recent years and have been described in terms similar to those noted previously.^{xxxvii} The phrase refers to the practice of making members engage in manual labour while studying the works of L. Ron Hubbard. This institution was devised by Hubbard circa 1969. Hubbard was then at sea on a Church-owned ship, surrounded by loyal followers and managing the organisation. The early version of the RPF involved “specific recommendations which if followed [would] rehabilitate the individual as a highly effective and worthwhile Sea Org member.”^{xxxviii} He described it as follows:

[T]he unit is worked hard during the day on a rigorous schedule on jobs assigned by the Review Chief handling corrective areas and jobs needing remedy and repair. The Unit itself is thus made into an effective ship’s review team. It works on a one job, one time, one place formula, completing each job before moving into the next. Each individual thus earns the right to the remedial services he or she will receive [referring to religious services].^{xxxix}

In this section, I have provided an overview of the Sea Organisation and of the billion-year contract. In the next section, I attempt to provide a framework through which we can think about the billion-year contract. I analyse the nature of contracts and of the commitment that the billion-year contract regulates. I also draw some comparisons to

other religious legal and quasi-legal instruments.

II. Thinking About the Billion-Year Contract

In this section, I seek to establish how we ought to think about the billion year-contract. I suggest that this contract is both much more and much less than it appears.

Later in this section, I address the labelling of the billion-year contract as a *contract*. This taxonomy must be analysed because the word *contract* carries with it a legal meaning, which is likely misused. I first address, however, how the billion-year contract can be thought of as a contract-like instrument. Legal definitions of the contract have focussed on its functional characteristics. The civilian law student, when prompted with the phrase “a contract is” will almost mechanically respond this way:

A contract is an agreement of wills by which one or several persons obligate themselves to one or several other persons to perform a prestation.

Contracts may be divided into contracts of adhesion and contracts by mutual agreement, synallagmatic [reciprocal] and unilateral contracts, onerous and gratuitous contracts, commutative and aleatory contracts, and contracts of instantaneous performance or of successive performance; they may also be consumer contracts.^{x1}

Similarly, in the common law case of *Rose & Frank Co v JR Crompton & Bros Ltd*,^{xli} we are told that

To create a contract there must be a common intention of the parties to enter into legal obligations, mutually communicated expressly or impliedly. Such an intention ordinarily will be inferred when parties enter into an agreement which in other respects

conforms to the rules of law as to the formation of contracts. It may be negated impliedly by the nature of the agreed promise or promises, as in the case of offer and acceptance of hospitality, or of some agreements made in the course of family life between members of a family[.]

These functional definitions fail to ask more foundational questions about and offer a basis for understanding the more foundational characteristics of contracts. Functional characteristics are, of course, very important to the majority of cases in which the role of the judge is to determine whether a certain document constitutes a contract. To do so, the judge must know what the characteristics of a contract are and apply a multistep test to detect its existence. When we are attempting to understand a nontraditional document that calls itself a contract, however, it is more useful to ask ourselves *why* people enter into contracts, and what the contract represents in their lives and in society. Contracts, after all, are an important part of everyday life. A contract is a fundamental instrument that we use to order our lives. By its fundamentality, the contract brings us back to even more foundational elements of the human experience, such as otherness, interaction, fear, and uncertainty. In a previous paper, I argued that children’s literature is a fundamental source of law. I concluded as follows:

Law is, at its core, about *rules*. Rules guide our behaviour, to help us pursue and hopefully find happiness. They help us avoid mistakes and pain. They help order our lives and our social interactions. Rules are our way to interact with and comprehend others, the world we live in, and, ultimately, ourselves. They emerge from our very existence—from our interactions with our environment. Rules are about the foundational blocks of the human experience: otherness, agency,

fear, pain, power, and many more. Perhaps rule-making ought to simply be called *existing*.^{xliii}

Much of the same can be said about contracts. If law is about rules, contracts are about relationships. They are our way to organise our lives and our relationships. Contracts can be a recognition of a significant relationship. We seek to tell both each other and the world that surrounds us that a relationship is worthy of being recognised in writing and in an official form. Contracts also strengthen a relationship, giving it an official and *binding* nature. They give us certainty and alleviate our fear. We know that a failure to uphold the relationship would be a breach of the contract—and carry some consequences. The contract is simultaneously a recognition of our fear, the fear that others will take advantage of our trust and deceive us, and an aid to alleviate this fear. Contracts, like laws, allow us to live our lives peacefully. We rarely pause to think about the mosaic of laws and contracts that ensure that we are safe in all aspects of our lives, yet this mosaic is highly complex and not naturally occurring. This mosaic allows us to dedicate ourselves to productive aims such as contributing to our community and finding happiness, rather than having to worry about our survival or about others taking advantage of our trust.

The billion-year contract is, therefore, first about a relationship. It is about the relationship that unites Scientologists to their religion. As we explored in the previous section, only seasoned Scientologists are invited to join the Sea Organisation, and even these Scientologists need to undergo rigorous spiritual testing and training—some would, as we saw, call this testing indoctrination or even brainwashing^{xliiii}—to prove and reaffirm their allegiance to the organisation. The relationship that the billion-year contract recognises is one of extreme loyalty, and it is one of great importance to the religion. The billion-year contract recognises the most

dedicated Scientologists, those who are most crucial to the survival and growth of the religion. As mentioned in the previous paragraph, the recognition of a relationship through a contract is inextricably tied to its officialisation and its strengthening. Members who sign the contract are implicitly yet tangibly recognised as key members of the religion.^{xliv} This recognition, coupled with the training and preparation that preceded it, helps strengthen the members' commitment to the religion. The contract is a reciprocal commitment wherein the members commit themselves to the organisation, while the organisation recognises the members' importance to its flourishing.

We, of course, cannot think of the billion-year contract without mentioning its unique religious nature. The contract symbolises and strengthens a special type of commitment: one of a religious nature. While the interplay between law and religion has been widely studied, there seem to be no contracts similar to the billion-year contract—contracts that unite a religious organisation to an unpaid clergy member. There are other types of contractual^{xlv} relationships in religions. There are, for example, employment contracts that can unite paid employees and their religious organisation,^{xlvi} and private contracts (between private parties) that regulate their relationship.^{xlvii} Scientology is, therefore, different. Although members of other religions would most likely see their relationship to their religion as eternal (if they believe in eternal life and salvation through their religion), Scientology chooses to reinforce, recognise, and officialise this commitment by using what it calls a contract. The billion-year contract is, needless to say, invalid within the mainstream^{xlviii} legal system. No thorough legal analysis is required to reach this conclusion. The contract purports to be an employment contract^{xlix} with a term of one billion years, without any remuneration being provided.

An employment contract that provides for no remuneration is invalid.^l A contract with such a long term is, similarly, invalid.^{li} But to say that the billion-year contract is invalid within the mainstream legal system is somewhat beside the point. Scientology has never argued that the contract is valid within the mainstream legal system,^{lii} and it has not sought to have a court of law enforce the contract. Scientology has its own legal system, which operates independently of the mainstream legal system.^{liii} That is not, however, to say that Scientology's downplaying of the significance of the billion-year contract on its public websites is accurate.^{liv} A former Sea Organisation member states:

In 1989 I left the Sea Org for personal reasons, following their standard "route out" procedure. I was told that I could return to the Sea Org at any time but would be required to go through some ethics procedures if/when that happened. I also understood that since I departed for my own reasons, not because I was required to leave by some church policy, that the covenant remained in effect and I still owe the Church of Scientology 999,999,998 years. They are not planning to come and collect me any time soon, but the obligation still stands, on my honor as a Scientologist in good standing.

And no, the billion years part was not a joke. It was a knowing commitment of your efforts for that period into the future.^{lv}

"Routing out" is a procedure (which I do not further described here) through which Scientologists can leave the organisation. Leaving the religion through approved mechanisms will generally protect a Scientologist from being labelled a "suppressive person" and being "disconnected" from by family members. The quotation makes clear that the billion-

year contract is a very serious commitment. The commitment is not only as serious as a contract, it is arguably more serious than a contract. While one's obligation under a contract is extinguished by a number of events including the failure by one party to perform his obligations,^{lvi} one's commitment under the billion-year contract is never extinguished. Just like in the mainstream legal system, breaching a contract has consequences. Scientologists can be disciplined through the enforcement mechanisms and correctional facilities described previously.^{lvii} The potential consequences include the imposition of a freeloader bill, under which former members of the Sea Organisation are retroactively billed for the free services they received while they were in service.^{lviii} The consequences are generally more serious than those within the mainstream legal system because they also include excommunication. Excommunication is of much greater impact to the member than pecuniary consequences. The member feels like she is, notably, losing the right to eternal life.^{lix}

In this section, I have sought to provide a framework through which we can think about the billion-year contract. I have analysed the nature of contracts and of the commitment that the billion-year contract regulates. I have also drawn comparisons to other religious legal and quasi-legal instruments.

Conclusion

In this paper, I have sought to provide an overview of and a framework through which to think about the billion-year contract used in the Scientology religion.^{lx} I have sought to provide one more building block to an unfortunately nascent yet vital field of research at the intersection of religious studies and law, which one might term, as I previously have,^{lxi} Scientological legal studies. As would be necessary for countless more aspects of the Scientology religion, I

have paused in this paper to critically analyse a key aspect of the religion that has recently generated significant interest—even fascination—from non-Scientologists.^{lxii} The billion-year contract can be thought of both as far less than an instrument that has deserved such media coverage, and as a simple way for members of a religion to signify and deepen their commitment to their religion. Yet upon taking a closer look and albeit for a different set of reasons, we can think of it as far more than simply a contract. The billion-year contract can be thought of as an implicit yet significant affirmation of the legitimacy and independence of the legal system that exists within the Scientology religion. It can be thought of as the rebellion of Scientology to the outside world and the legal system that regulates and defines it—a legal system that *legally* also regulates Scientology. The contract denies the primacy of the mainstream legal system. It appropriates a name from the traditional legal system to an instrument that challenges it.^{lxiii} These points can be thought of as fortuitous or intentional—or perhaps even as fortuitous yet greatly significant.^{lxiv}

In the introduction, I stated, “Before there was a religion, there was commitment. And before there was a commitment, there was a contract.” The billion-year contract is a fundamental part of the Scientology religion, just as the Sea Organisation is a fundamental part of the Scientology religion. The billion-year contract defines and strengthens the commitment of the religion’s most dedicated members, just as the contract originally was born as a result of great dedication. In many ways and perhaps even more so since Hubbard’s passing, the Sea Organisation is, to a large part, Scientology. Unlike in other religions, members of Church management do not shape Scientology scripture or its application.^{lxv} Yet still unlike in other religions, Church management is intimately

involved in a large portion of Church affairs and operations.

Studying the billion-year contract offers a microcosm for the many unique and universal issues one is bound to face when studying Scientology. How do we analyse aspects of a religion that are confidential or that arise from extremely obscure sources? How do we tie Scientology and its rules and procedures to existing frameworks where so little research has been conducted? How do we give a voice to the perspective of Scientologists in a fair and balanced way, especially when Scientologists have little interest in grooming their own scholars and establishing a field of research concerning Scientology *as a religion*? How do we earn and maintain the trust of Scientologists without sacrificing the integrity of our scholarly work? Although these issues may make the field intimidating, neither courts nor scholars can abdicate their responsibility to contribute to public discourse regarding Scientology. The issues are too complex and their implications too significant for a disinterested perspective to be absent. Studying religions helps us understand religious individuals whose religion is an intimate and central part of their lives. As we understand these individuals and what drives them better, we also begin to also better understand the human experience more broadly—and its universal building blocks referred to in the previous section.

Bibliography

Legislation

Act respecting labour standards, CQLR, c N-1.1.

CCQ.

Jurisprudence

Rose & Frank Co v JR Crompton & Bros Ltd, [1923] 2 KB 261; [1925] AC 445.

Secondary Materials: Articles

Cullison, Alan D. *Morality and the Foundations of Legal Positivism* (1985) 20:1 Val U L Rev 61.

Estéveza, Estefanía, Marina Rachitskiy & Carla Rodríguez. "Is Perception of the Mainstream Legal System Homogeneous Across Ethnic Groups?" (2013) 5:2 *European Journal of Psychology Applied to Legal Context*, 155.

Griffiths, Casey Paul, Scott C Esplin & E Vance Randall. "'The Glory of God Is Intelligence': Exploring the Foundations of Latter-day Saint Religious Education" (2016) 111:2 *Religious Education* 153.

Kent, Stephen A. "Scientology and the European Human Rights Debate: A Reply to Leisa Goodman, J. Gordon Melton, and the European Rehabilitation Project Force Study" (2003) 8:1 *Marburg J Religion*.

Lord, Phil. "Case Comment: *Garcia v Church of Scientology Flag Service Organization*" (2020) 86:2 *Arbitration* 211.

"Scientology's Legal System" (2019) 21:1 *Marburg J Religion* 1.

Qaisi, Ghada G. "Religious Marriage Contracts: Judicial Enforcement of Mahr Agreements in American Courts" (2001) 15 *JL & Religion* 67.

Wagner, Tom. "Charisma, Authority, and Innovation in Scientology's 'Golden Age' Narrative" (2020) 32:1 *Journal of Religion and Popular Culture* 15.

Secondary Materials: Collections of Essays

Chaudhry, Ayesha S. "Islamic Legal Studies: A Critical Historiography" in Anver M. Emon & Rumea Ahmed, eds, *The Oxford Handbook of Islamic Law* (Oxford: Oxford University Press, 2017)

von Dehsen, Christian D. ed, *Lives & Legacies: An Encyclopedia of People Who Changed the World: Philosophers and Religious Leaders* (Phoenix: Oryx, 1999).

Holly, Marylin. "Navajo Criminal Justice: A Jungian Perspective" in Jeffrey Ian Ross & Larry Allen Gould, eds, *Native Americans and the Criminal Justice System* (Boulder: Paradigm, 2006) 17.

Rothstein, Mikael. "Scientology, Scripture and Sacred Traditions" in Lewis, James R & Olav Hammer. eds, *The Invention of Sacred Tradition* (Cambridge: Cambridge University Press, 2007) 18.

Mayer, Ann Elizabeth. "Law: Modern Legal Reform" in John L Esposito, ed, *The Oxford Encyclopedia of the Islamic World* (Oxford: Oxford University Press, 2009), online: <www.oxfordislamicstudies.com/article/opr/t236/e0473> .

Melton, J. Gordon. "A Contemporary Ordered Religious Community" in Derrick Davis & Barry Hankins, eds, *New Religious Movements and Religious Liberty in America* (Waco, TX: Baylor University Press, 2003) 43.

Witte, John. "Foreword: From Critical Legal Studies to Christian Legal Studies" in Robert Cochran & David VanDrunen, eds, *Law, and the Bible: Justice, Mercy and Legal Institutions* (Downers Grove, IL: InterVarsity Press, 2013) 7.

Secondary Materials: Monographs

Bentham, Jeremy. *Of Laws in General: Principles of Legislation*, edited by HLA Hart (London: Athlone Press, 1970).

Flowers, Ronald B. *Religion in Strange Times: The 1960s and 1970s* (Macon: Mercer University Press, 1984).

Hallaq, Wael B. *Authority, Continuity and Change in Islamic Law* (Cambridge: Cambridge University Press, 2001).

Hart, HLA. *The Concept of Law*, 3rd ed (Oxford: Oxford University Press, 2012).

Holden, Andrew. *Jehovah's Witnesses: Portrait of a Contemporary Religious Movement* (New York: Routledge, 2002).

Hubbard, L. Ron. *Dianetics: The Modern Science of Mental Health*, revised ed (Los Angeles: Bridge, 2007).

—. *Scientology: The Fundamentals of Thought*, revised ed (Los Angeles: Bridge, 2007).

—. *Introduction to Scientology Ethics*, revised ed (Los Angeles: Bridge, 2007)

Lewis, James R. *Scientology* (Oxford: Oxford University Press, 2009).

Many, Nancy. *My Billion-Year Contract: Memoir of a Former Scientologist* (Pennsauken, NJ: BookBaby, 2009).

Miller, Russel. *Bare-Faced Messiah: The True Story of L. Ron Hubbard* (Toronto: Key Porter, 1987).

Ratnapala, Suri. *Jurisprudence* (Cambridge: Cambridge University Press, 2009).

Reitman, Janet. *Inside Scientology: The Story of America's Most Secretive Religion* (Boston: Houghton Mifflin Harcourt, 2011).

Wallis, Roy. *The Road to Total Freedom: A Sociological Analysis of Scientology* (New York: Columbia University Press, 1977).

Westbrook, Donald A. *Among the Scientologists: History, Theology, and Praxis* (Oxford: Oxford University Press, 2019).

Secondary Materials: Newspapers, Newswires, and Other News Sources

"Church of Scientology Settles LA Suit with Ex-Member Claiming Coerced Abortion and That She Had to Work as a Pre-Teen" (24 July 2018), *Los Angeles Daily News* (online at www.dailynews.com/2018/07/24/church-of-scientology-settles-la-suit-with-ex-member-claiming-coerced-abortion-and-that-she-had-to-work-as-a-pre-teen/).

"Curacao Dry Dock Company: Scientology's Cruise Ship Sealed Due to Asbestos Danger" (2 May 2008), *InsuranceNewsNet* (online at insurancenewsnet.com/oarticle/Curacao-Dry-dock-Company-Scientologys-Cruise-Ship-Sealed-Due-To-Asbestos-Dang-a-110327#.XuA7MWpKgTU).

Curtis Taete, Jamie Lee. "The Beach Party for Former Religious Fundamentalists" (28 June 2018), *Vice News* (online at www.vice.com/en_ca/article/mbkg3y/the-beach-party-for-former-religious-fundamentalists).

Freydkin, Donna. "Former Scientologist Shares His Story, Interactions with Tom Cruise" (27 June 2018), *Today* (online at www.today.com/news/former-scientologist-shares-his-story-interactions-tom-cruise-t131972).

Grace, Gillian. "Anderson Cooper to Scientology's David Miscavige: 'It's On'" (28 March 2010), *The National Post* (online at nationalpost.com/news/anderson-cooper-to-scientologys-david-miscavige-its-on).

Jarvik, Elaine. "Scientology: Church Now Claims More than 8 Million Members" (20 September 2004), *Deseret Morning News* (online at web.archive.org/web/20080616032022/http://deseretnews.com/dn/view/0%2C1249%2C595091823%2C0_0.html).

Jancelewicz, Chris. "Leah Remini Reveals What Happens When You Reach the Top of Scientology," *Global News* (6 September 2017) (online at globalnews.ca/news/3721663/leah-remini-scientology-bridge-total-freedom/).

Nocera, Joe. "Scientology's Chilling Effect" (24 February 2015), *The New York Times* (online at www.nytimes.com/2015/02/24/opinion/joe-nocera-scientologys-chilling-effect.html).

Ortega, Tony. "Scientology's Shocking Treatment of Children Held in a Suburban Labor Camp" (14 February 2012), *The Village Voice* (online at www.villagevoice.com/2012/02/14/scientologys-shocking-treatment-of-children-held-in-a-suburban-labor-camp/).

Pesta, Abigail. "Scientology's Sea Org: An Escape Story for Katie Holmes and Suri Cruise," *The Daily Beast* (6 July 2012) (online at www.thedailybeast.com/scientologys-sea-org-an-escape-story-for-katie-holmes-and-suri-cruise/).

Pouliot, Gaétan. "L'Église de scientologie a-t-elle payé ses employés?" (6 May 2019), *Radio-Canada* (online at ici.radio-canada.ca/nouvelle/1167741/eglise-scientologie-cnesst-entente-amiable-quebec).

"St Lucia Quarantines US Cruise Ship Over Measles Case" (2 May 2019), *BBC News* (online at www.bbc.com/news/world-latin-america-48130848).

Sykes, Tom. "Battlefield: Inside Tom Cruise and John Travolta's Scientology Feud" (18 April 2018), *The Daily Beast* (online at www.thedailybeast.com/inside-tom-cruise-and-john-travoltas-scientology-feud/).

Secondary Materials: Others

Bix, Brian. "John Austin" (24 February 2001), *Stanford Encyclopedia of Philosophy* (online at plato.stanford.edu/entries/austin-john/#3).

"Can Scientologists be Christians or Jews Too?" (31 December 2016), *Something Can Be Done About It: Mike Rinder's Blog* (online at www.mikerindersblog.org/can-scientologists-be-christians-or-jews-too/).

"Church of Scientology Flag Service Organization vs Debbie Cook" (14 September 2013) (online at www.youtube.com/watch?v=AqTp-szDdeU).

"David Miscavige: Scientology Scripture Recovered and Restored in 25-Year Program Completed in 2009," *Scientology* (online at www.scientology.org/david-miscavige/renaissance-for-scientology/completion-of-the-golden-age-of-knowledge.html).

"Debbie Cook's Email" (5 March 2013), *Scientology Cult: "A Time Comes When Silence is Betrayal"* (online at www.scientology-cult.com/debbie-cooks-email.html).

"Does Scientology Have a Concept of God?" *Scientology* (online at www.scientology.ca/faq/scientology-beliefs/what-is-the-concept-of-god-in-scientology.html).

"Frequently Asked Questions: Are Young Children Permitted in the Sea Organisation?" *Scientology* (online at www.scientology.ca/faq/scientology-in-society/are-young-children-permitted-in-the-sea-org.html).

"Growing Up in Scientology," *YouTube* (online at www.youtube.com/channel/UCD8AAvA3_JDFeOps-HzPPHg).

Heseltine, Clifford. "What Is the 'Billion Year Contract' in Scientology?" (17 April 2018), *Quora* (online at www.quora.com/What-is-the-billion-year-contract-in-Scientology/answer/Clifford-Heseltine?ch=10&share=d1f664b6&srid=OBAm).

"How Does the Day-to-Day of Being A Scientologist Compare to Other Religions" (18 December 2017), *Scientology Parents: Applying Scientology to Parenting with Results* (online at www.scientologyparent.com/how-does-the-day-to-day-of-being-a-scientologist-compare-to-other-religions/).

Hubbard, L. Ron. "Cancellation of Fair Game," Hubbard Communications Office Policy Letter, 21 October 1968.

—. "Rehabilitation Unit," Flag Order 1848, 3 March 1969.

"Is It True that People in the Sea Org Sign a Billion-Year Contract?" *Scientology* (online at www.scientology.ca/faq/church-management/is-it-true-that-people-in-the-sea-org-sign-a-billion-year-contract.html).

Jacobsen, Jonny. "Counting Scientology: Reality Check: Independent Data Contradicts Scientology's Membership Claims" (9 February 2017), *Medium* (online at medium.com/how-many-scientologists-are-there-really/5-factoring-in-reality-3f0bb2d4e4cf).

Stephen A Kent, *Brainwashing in Scientology's Rehabilitation Project Force (RPF)* (Hamburg: Interior Ministry, 2000).

"L. Ron Hubbard," *Encyclopaedia Britannica* (online at www.britannica.com/biography/L-Ron-Hubbard).

"Leah Remini: Scientology and the Aftermath: About," *A&E* (online at www.aetv.com/shows/leah-remini-scientology-and-the-aftermath/about).

Lord, Phil. "Law and *Green Eggs and Ham*" (2020) 6:2 Anamorphosis: International Journal of Law and Literature __ (forthcoming) (online at ssrn.com/abstract=3242951).

—. "Mainstreaming Scientology?" (draft on file with the author).

McMaster, Geoff. "Once Thriving Church of Scientology Faces Extinction" (10 January 2018), *University of Alberta: Faculty News* (online at www.ualberta.ca/arts/faculty-news/2018/january/once-thriving-church-of-scientology-faces-extinction).

Papandrea, Paige. "Losing My Religion (and My Money): How the Church of Scientology Contractually Limits Its Ex-Members' Ability to Fight the Church in Court" (30 December 2018), *Minnesota Law Review Blog* (online at minnesotalawreview.org/2018/12/30/losing-my-religion-and-my-money/).

Sanders, Ash. "Children of Scientology: Life After Growing Up in an Alleged Cult," *The Rolling Stone* (24 June 2019) (online at www.rollingstone.com/culture/culture-features/scientology-children-second-generation-846732/).

"Scientology: A World Religion: International Religious Recognitions of the Church of Scientology," *Scientology* (online at www.scientologyreligion.org/religious-recognitions/).

"Scientology Defectors Describe Violence, Humiliation in 'The Hole,'" (12 January 2013) *The Tampa Bay Times* (online at www.tampabay.com/news/scientology/scientology-defectors-describe-violence-humiliation-in-the-hole/1270047).

"'Scientology Is Dying': John Brousseau on the Decline of Int Base and Fate of Shelly Miscavige," *The Underground Bunker* (online at tonyortega.org/2017/11/11/scientology-is-dying-john-brousseau-on-the-decline-of-int-base-and-fate-of-shelly-miscavige/).

"The Basics," *Bridge Publications* (online at www.bridgepub.com/introduction/the-basics.html).

Ortega, Tony. "Is Scientology's Notorious Prison Detail—The 'RPF—A Thing of the Past?'" *The Underground Bunker* (online at

tonyortega.org/2017/10/04/is-scientologys-notorious-prison-detail-the-rpf-a-thing-of-the-past/).

“What Are the Abrahamic Religions? Christianity, Islam, and Judaism Are Regarded As the Largest Abrahamic Religions by the Number of Adherents,” *World Atlas* (online at www.worldatlas.com/articles/what-are-the-abrahamic-religions.html).

“What Christians Need to Know about Scientology” (1991), Carnegie Mellon Scientology Archive (online at www.cs.cmu.edu/~dst/Library/Shelf/wakefield/christians.html).

“What Is Disconnection?” *Scientology* (online at www.scientology.ca/faq/scientology-attitudes-and-practices/what-is-disconnection.html).

“What Is the Sea Organization?” *Scientology* (online at www.scientology.ca/faq/church-management/what-is-the-sea-organization.html).

Footnotes

i LL.B. (McGill, Dean's List), B.C.L. (McGill, Dean's List), ACI Arb. I am grateful to Prof. Omar Farahat, Olivier Lurette, and two anonymous reviewers for their thoughtful comments on earlier drafts. I also gratefully acknowledge financial support from Canada's Social Sciences and Humanities Research Council.

ii Note: We have retained the fundamental formatting of text citations/footnotes and entries in the Bibliography in this article, which are based on the Canadian Guide to Uniform Legal Citation. We also have retained Canadian/British spellings of words throughout.

iii This paper builds upon a paper I recently wrote, which provides a broad overview of Scientology's legal system (Phil Lord, “Scientology's Legal System” (2019) 21:1 *Marburg J Religion* 1). In conducting research on Scientology over the past 2 years, I have interacted with several Scientologists. I met Scientologists at the Montreal and Los Angeles churches, all of whom have been gracious and helpful. I have also been in contact with a member of the Sea Organisation (Scientology's most senior order), with whom I had several conversations. To protect her anonymity, I do not reveal her name. She has been exceedingly generous with her time, and I thank her.

iv In this paper, I label Scientology a religion. This taxonomy is used in its narrow legal sense: Scientology is recognised as a religion for income taxation, constitutional, and other legal purposes in most countries of the world; see, e.g., Phil Lord, “Mainstreaming Scientology?” (draft on file with the author), and “Scientology: A World Religion: International Religious Recognitions of the Church of Scientology,” online: [Scientology](http://www.scientologyreligion.org/religious-recognitions/) (www.scientologyreligion.org/religious-recognitions/). The taxonomy I employ should not be understood as a condonation of Scientology's status as a religion (which many contest), or even as implying that Scientology does meet the relevant legal tests in all countries.

v James R Lewis, *Scientology* (Oxford: Oxford University Press, 2009) at 21–23. The movement does not have a defined founding date. It is rooted in the bestseller published in 1950 by the religion's founder, L. Ron Hubbard, *Dianetics: The Modern Science of Mental Health* (revised ed.; Los Angeles: Bridge, 2007). Hubbard initially intended the book to be a treatise on mental health. Hubbard and his associates sought to have its contents published in the *Journal of the American Medical Association* and the *American Journal of Psychiatry* (see, e.g., Russel Miller, *Bare-Faced Messiah: The True Story of L. Ron Hubbard* [Toronto: Key Porter, 1987], at 151). The mental health community rebuked Hubbard. The key concepts of Dianetics later morphed into Scientology. The Dianetics foundation declared bankruptcy due to issues with its creditors (see, e.g., Miller, *ibid* at 197–200 and

Ronald B Flowers, *Religion in Strange Times: The 1960s and 1970s* [Macon: Mercer University Press, 1984], at 96–97). In 1952, Hubbard published *Scientology, A Religious Philosophy* (Christian D von Dehsen, ed., *Lives & Legacies: An Encyclopedia of People Who Changed the World: Philosophers and Religious Leaders* [Phoenix: Oryx, 1999] at 90)—the book appears to have been republished as *Scientology: The Fundamentals of Thought* (L. Ron Hubbard, revised ed. [Los Angeles: Bridge, 2007]). In 1953, Hubbard incorporated the first three churches of Scientology (Miller, *ibid*, at 140–142).

vi Other new religious movements, such as Jehovah's Witnesses and The Church of Jesus Christ of Latter-day Saints, were founded long before Scientology (Andrew Holden, *Jehovah's Witnesses: Portrait of a Contemporary Religious Movement* [New York: Routledge, 2002], at 1; Casey Paul Griffiths, Scott C. Esplin, & E. Vance Randall, “‘The Glory of God Is Intelligence’: Exploring the Foundations of Latter-day Saint Religious Education” (2016) 111:2 *Religious Education*, 153, at 155). All three religions are

called new religious movements or new religions because their age is compared to that of mainstream religions, such as the Abrahamic religions, whose founding dates back thousands of years (“What Are the Abrahamic Religions? Christianity, Islam, and Judaism Are Regarded as the Largest Abrahamic Religions by the Number of Adherents,” *World Atlas* [online at www.worldatlas.com/articles/what-are-the-abrahamic-religions.html]).

vii Hubbard lived from 1911 to 1986 (“L. Ron Hubbard,” *Encyclopaedia Britannica* [online at www.britannica.com/biography/L-Ron-Hubbard]).

viii See Lord, “Scientology's Legal System,” *supra* note iii at 20, and Rothstein, “Scientology, Scripture and Sacred Traditions,” in James R Lewis & Olav Hammer, eds., *The Invention of Sacred Tradition* (Cambridge: Cambridge University Press, 2007), 18 at 24. See also Phil Lord, “Case Comment: *Garcia v Church of Scientology Flag Service Organization*” (2020) 86:2 *Arbitration* 211 [Lord, “Case Comment”].

ix In my first paper on Scientology's legal system (Lord, “Scientology's Legal System,” *supra* note iii at 21, I give the counterexample of Islam, a much older religion, whose law was modernised through judicial decisions and modern statutes, see, e.g., Ann Elizabeth Mayer, “Law: Modern Legal Reform” in John L. Esposito, ed., *The Oxford Encyclopedia of the Islamic World* (Oxford: Oxford University Press, 2009), online at www.oxfordislamicstudies.com/article/opr/t236/e0473, which states:

Reforms affecting Islamic law in the nineteenth and twentieth centuries were more far-reaching than any undertaken previously. The impetus for reform came both from within the Islamic tradition, as specialists in Islamic law sought to reform laws in the face of changing attitudes and social needs, and from without, as political leaders-imposed changes designed eliminate archaic features that impeded governmental modernization programs.

Also see generally Wael B Hallaq, *Authority, Continuity and Change in Islamic Law* (Cambridge: Cambridge University Press, 2001), especially chapter 6.

Scientology's main rule-enforcement mechanism, the Committee of Evidence, does not allow for a changing interpretation of Scientology rules. Its role is generally confined to reviewing evidence and applying a rule to the evidence, using (where necessary) other Hubbard writings to interpret the rule (see Lord, “Scientology's Legal System,” *supra* note iii at 21–22). There is no

jurisprudence in the religion of Scientology, and past decisions have no bearing on future decisions. I described the committee as follows:

Once a member is accused of breaching a “rule of ethics” or a “law,” the local organisation’s “LRH Communicator” convenes the Committee of Evidence, which includes a chairman, a secretary, and two to five members whose rank is higher than that of the “accused” Within a two-week period, the committee is presented the evidence. The accused is not represented by a lawyer or a person fulfilling a substantially similar role. The Committee then issues its “Findings and Recommendations” document, which includes their finding of guilt on each count (determined by majority vote). The recommendations include punishment, in keeping with L. Ron Hubbard policy. If the member is dissatisfied with the outcome, they can request a new Committee of Evidence, which reviews the documentation and issues their own “Findings and Recommendations.” The member may also petition for cancellation of the Committee of Evidence. The petition is reviewed by a high-ranking member or a full Committee of Evidence, following the process detailed previously (ibid).

It is worth mentioning that some may consider Scientology’s recent rerelease of Scientology materials, following a quarter century-long effort at purportedly correcting transcription and other errors, an alteration or modernisation of Scientology scripture; see generally Tom Wagner, “Charisma, Authority, and Innovation in Scientology’s ‘Golden Age’ Narrative” (2020) 32:1, *Journal of Religion and Popular Culture* 15. See also note xviii, following, and accompanying text.

x On the use of the word employment, see note l, following, and accompanying text.

xi On Scientology’s system of rules and “ethics,” see note xxxiii, following, and accompanying text. While Sea Organisation members are subject to more stringent rules of conduct, the basic system of ethics is the same for all Scientologists.

xii Nancy Many, *My Billion-Year Contract: Memoir of a Former Scientologist* (Pennsauken, NJ: Book Baby, 2009). This book is self-published. The pages are not numbered.

xiii See, e.g., Jamie Lee Curtis Taeta, “The Beach Party for Former Religious Fundamentalists” (28 June 2018), *Vice News* (online at www.vice.com/en_ca/article/mbkg3y/the-beach-party-for-former-religious-fundamentalists); Tom Sykes, “Battlefield: Inside Tom Cruise and John Travolta’s Scientology Feud” (18 April 2018), *The Daily Beast* (online at www.thedailybeast.com/inside-tomcruise-and-john-travoltas-scientology-feud); Donna Freydkin, “Former Scientologist Shares His Story, Interactions with Tom Cruise” (27 June 2018), *Today* (online at www.today.com/news/former-scientologist-shares-his-story-interactions-tom-cruiset131972).

xiv The television show has run on A&E channel since 2016. It seeks to “giv[e] a voice to victims of the Church of Scientology despite public attempts to discredit them” (“Leah Remini: Scientology and the Aftermath: About,” A&E [online at www.aetv.com/shows/leah-remini-scientology-and-theaftermath/about]). The show notably covers physical abuses in the Sea Organisation, disconnection from friends and family members, and the handling of critics of the religion.

xv CNN anchor Anderson Cooper hosted on his show *Anderson Cooper 360* former victims of the Church, and also current Sea Organisation members. The five-part series was titled *Scientology: A History of Violence* and addressed allegations of physical abuse

in the Sea Organisation. It covered in other outlets (see, e.g., Joe Nocera, “Scientology’s Chilling Effect” [24 February 2015], *The New York Times* [online at www.nytimes.com/2015/02/24/opinion/joe-nocera-scientologys-chilling-effect.html], and Gillian Grace, “Anderson Cooper to Scientology’s David Miscavige: ‘It’s On’” (28 March 2010), *The National Post* [online at nationalpost.com/news/anderson-cooper-to-scientologys-david-miscavige-its-on]).

xvi See A&E, *supra* note xiv.

xvii Lord, “Scientology’s Legal System,” *supra* note iii at 9—15.

xviii See, e.g., “The Basics,” Bridge Publications (online at www.bridgepub.com/introduction/the-basics.html) and “David Miscavige: Scientology Scripture Recovered and Restored in 25-Year Program Completed in 2009,” Scientology (online at www.scientology.org/david-miscavige/renaissance-forscientology/completion-of-the-golden-age-of-knowledge.html). The “basics books and lectures” are a collection of 18 books and 280 lectures. They constitute Scientology scripture but are not considered advanced scripture.

xix It may be worth speculating on the intentionality of the exclusion of information regarding the Sea Organisation and its operations from Scientology scripture. As mentioned, Scientology scripture is unusually comprehensive and encompasses many large volumes, which can lead one to believe that relatively fundamental information regarding the organisation can only be voluntarily excluded. The effect of excluding information on the Sea Organisation is to hide some aspects of it from even the most loyal public Scientologists, further drawing a divide between Sea Organisation members and public members.

xx “Is It True That People in the Sea Org Sign a Billion-Year Contract?” Scientology (online at www.scientology.ca/faq/churchmanagement/is-it-true-that-people-in-the-sea-org-sign-a-billion-year-contract.html).

xxi There are countless examples of such inaccuracies. As an example, on its website, Scientology claims that one can be both a Scientologist and a member of another religion (see, e.g., “Does Scientology Have a Concept of God?” Scientology [online at www.scientology.ca/faq/scientology-beliefs/what-is-the-concept-of-god-in-scientology.html]), which is simply inaccurate. Former Scientologists support this view (see, e.g., “What Christians Need to Know about Scientology” (1991), *Carnegie Mellon Scientology Archive* [online at www.cs.cmu.edu/~dst/Library/Shelf/wakefield/christians.html] and “Can Scientologists be Christians or Jews Too?” [31 December 2016], *Something Can Be Done About It: Mike Rinder’s Blog* [online at www.mikerindersblog.org/canscientologists-be-christians-or-jews-too/]). The Church also denies that it shuns (or even mandates disconnection from) former members (“What Is Disconnection?” Scientology [online at www.scientology.ca/faq/scientology-attitudes-and-practices/whatis-disconnection.html]), which is similarly inaccurate (see Roy Wallis, *The Road to Total Freedom: A Sociological Analysis of Scientology* (New York: Columbia University Press, 1977) at 144–45, and “Cancellation of Fair Game,” Hubbard Communications Office Policy Letter, 21 October 1968.)

xxii “What Is the Sea Organization?” Scientology (online at www.scientology.ca/faq/church-management/what-is-the-seaorganization.html).

xxiii *Ibid.*

xxiv *Ibid.*

xxv The Church does not provide documentation for this claim. It is worth noting that the Freewinds faced some safety issues over the past decades, such as contamination with asbestos and a case of measles; see “Curacao Dry Dock Company: Scientology’s Cruise

Ship Sealed Due to Asbestos Danger” (2 May 2008), InsuranceNewsNet (online at insurancenewsnet.com/oarticle/Curacao-Dry-dock-Company-Scientologists-Cruise-Ship-Sealed-Due-To-Asbestos-Dang-a-110327#.XuA7MWpKgTU) and “St Lucia Quarantines US Cruise Ship Over Measles Case” (2 May 2019), BBC News (online at www.bbc.com/news/world-latinamerica-48130848).

xxvi “What Is the Sea Organization?” supra note xxii.

xxvii Scientology claims membership in the millions (Elaine Jarvik, “Scientology: Church Now Claims More than 8 Million Members” (20 September 2004), *Deseret Morning News* [online at deseretnews.com/dn/view/0%2C1249%2C595091823%2C00.html]). This claim is unfounded. Independent sources suggest there are fewer than 100,000 Scientologists (see, e.g., Jonny Jacobsen, “Counting Scientology: Reality Check: Independent Data Contradicts Scientology’s Membership Claims” (9 February 2017), *Medium* (online at medium.com/how-many-scientologists-are-there-really/5-factoring-in-reality-3f0bb2d4e4cf [the latest United States’ census found approximately 55,000 Scientologists]).

xxviii The expectations regarding time dedication are not made public. It is, however, not unusual for public Scientologists to be expected to dedicate at least 10 hours per week to the religion (“How Does the Day-to-Day of Being A Scientologist Compare to Other Religions” (18 December 2017), *Scientology Parents: Applying Scientology to Parenting with Results* [online at www.scientologyparent.com/how-does-the-day-to-day-of-being-a-scientologist-compare-to-other-religions/] and Chris Jancelewicz, “Leah Remini Reveals What Happens When You Reach the Top of Scientology,” *Global News* (6 September 2017) (online at globalnews.ca/news/3721663/leah-remini-scientology-bridge-totalfreedom/).

xxix There are no hard figures regarding this decline in membership. The Church does not release official figures on the number of Scientologists. However, sources from inside the Church have stated that the membership has been in decline for decades (see, e.g., “‘Scientology Is Dying’: John Brousseau on the Decline of Int Base and Fate of Shelly Miscavige,” *The Underground Bunker* (online at tonyortega.org/2017/11/11/scientology-is-dying-johnbrousseau-on-the-decline-of-int-base-and-fate-of-shellymiscavige/). Dr. Stephen Kent, a prominent academic who has extensively studied Scientology, supports this view (Geoff McMaster, “Once Thriving Church of Scientology Faces Extinction” (10 January 2018), *University of Alberta: Faculty News* (online at www.ualberta.ca/arts/facultynews/2018/january/once-thriving-church-of-scientology-facesextinction).

xxx There have, unsurprisingly, been no empirical studies of children in the Sea Organisation. There are, however, several children who grew up in the Sea Organisation and who have provided testimonies regarding their upbringing. See, e.g., “Growing Up in Scientology, online: YouTube (www.youtube.com/channel/UCD8AAvA3_JDFeOps-HzPPHg); Donald A Westbrook, *Among the Scientologists: History, Theology, and Praxis* (Oxford: Oxford University Press, 2019) at 146–150 (which finds that 72% of Sea Organisation members join before age 30); Ash Sanders, “Children of Scientology: Life After Growing Up in an Alleged Cult,” *The Rolling Stone* (24 June 2019) (online at www.rollingstone.com/culture/culturefeatures/scientology-children-second-generation-846732/); and Abigail Pesta, “Scientology’s Sea Org: An Escape Story for Katie Holmes and Suri Cruise,” *The Daily Beast* (6 July 2012) (online at www.thedailybeast.com/scientologys-sea-org-an-escape-story-forkatie-holmes-and-suri-cruise). Scientology’s public website states:

The Sea Organization is a relatively new religious order[...] [...

]. After ten years of experience with children, by 1986 it had become apparent that the duties of a member of the Sea Organization was not compatible with raising children. For example, a Sea Organization member must be free to travel on short notice and sometimes for extended periods, which is not easily balanced with parenting young children. Hence, in 1986 the policy was established that Sea Organization members desiring children would be granted a leave of absence from the Order until their children reached majority. In this respect, the Sea Organization is no different than other religious orders.

[...]

For Sea Organization members who had children before the policy of the religious order changed in 1986, school facilities were built to properly educate and provide for the children. By way of example, for several years the Church of Scientology International operated private boarding schools for the children of Sea Organization members in Riverside and Los Angeles counties. The Sea Organization similarly provided schooling for the children of Sea Organization members in Florida and New York, as well as at Sea Organization facilities outside the United States. Each child who attended these schools was sent there at the specific request of his or her parents. (“Frequently Asked Questions: Are Young Children Permitted in the Sea Organisation?” *Scientology*, [online at www.scientology.ca/faq/scientologyin-society/are-young-children-permitted-in-the-seaorg.html]).

Scientology states that children wishing to join the Sea Organisation must wait until “the minimum age in any state or country that a person is legally permitted to work.” The Church also states that it complies with child labour laws, which regulate the nature and scheduling of work (ibid).

xxxi Hubbard was, at the time, under investigation by a plethora of government agencies including the Federal Bureau of Investigation, the Food and Drugs Administration, and the International Revenue Service for several alleged violations of federal laws notably pertaining to illegal medical claims and personal use of tax-exempt church property.

xxxii Stephen A Kent, *Brainwashing in Scientology’s Rehabilitation Project Force (RPF)* (Hamburg: Interior Ministry, 2000) (available online at skent.ualberta.ca/contributions/scientology/brainwashing-in-scientologys-rehabilitation-project-force-rpf/).

xxxiii Ibid. On Scientology’s ethics system and other terminology, see generally Lord, “Scientology’s Legal System,” supra note iii and L. Ron Hubbard, *Introduction to Scientology Ethics*, revised ed. (Los Angeles: Bridge, 2007).

xxxiv Kent, *Brainwashing in Scientology’s Rehabilitation Project Force (RPF)*, supra note xxxii.

xxxv Lord, “Scientology’s Legal System,” supra note iii at 22–24.

xxxvi The Hole is a Scientology facility located at Scientology’s Gold Base, the estate where many members of the Sea Organisation live and work (see, e.g., Janet Reitman, *Inside Scientology: The Story of America’s Most Secretive Religion* [Boston: Houghton Mifflin Harcourt, 2011] at 339).

xxxvii Debbie Cook, a prominent member of the Sea Organisation, left the religion in 2011 by mass-sending an email criticising the Church. Scientology sued Cook and later settled out of court. Cook nonetheless testified in the case. A section of the hearing can be accessed on YouTube (“Church of Scientology Flag Service Organization vs Debbie Cook” (14 September 2013) (online at www.youtube.com/watch?v=AqTp-szDdeU). Cook’s email can be accessed on unofficial blogs (see, e.g., “Debbie Cook’s Email” (5

March 2013), Scientology Cult: “A Time Comes When Silence is Betrayal” [online at www.scientology-cult.com/debbiecooksemail.html]). The case is Church of Scientology International v Debbie Cook. See also “Scientology Defectors Describe Violence, Humiliation in ‘The Hole’” (12 January 2013) (online at www.tampabay.com/news/scientology/scientology-defectorsdescribe-violence-humiliation-in-the-hole/1270047). Though some of the allegations are quite recent, it is unclear whether the RPF is still operational; see, e.g., Tony Ortega, “Is Scientology’s Notorious Prison Detail—the ‘RPF—a Thing of the Past?” The Underground Bunker (online at tonyortega.org/2017/10/04/is-scientologys-notorious-prison-detailthe-rpf-a-thing-of-the-past/).

xxxviii L. Ron Hubbard, “Rehabilitation Unit,” Flag Order 1848, 3 March 1969. A flag order is a binding document written by L. Ron Hubbard, similar to a policy letter.

xxxix Ibid.

xl Art 1378 CCQ. Contracts of adhesion are drawn up by one party, while contracts of mutual agreement are drawn up jointly. Contracts of subsequent performance are performed over time, while contracts of instantaneous performance are performed at a single time. Consumer contracts may be of various types and are subject to specific rules which protect consumers. The other distinctions are unique to or different in civil law jurisdictions.

xli [1923] 2 KB 261; [1925] AC 445.

xlii Phil Lord, “Law and Green Eggs and Ham” (2020) 6:2 *Anamorphosis: International Journal of Law and Literature* — (forthcoming) (online at SSRN ssrn.com/abstract=3242951). Although references are omitted in the citation, the paper discusses at length the nature of formal and informal rules. It finds that a law is generally defined as a (1) positive and (2) authoritative statement—of conduct—(3) designed to guide behaviour. This definition is in line with Kelsen, who thought that

Norms are imputed by other norms. The requirement that a person who commits theft ought to be punished is a norm. It does not cease being a norm because the thief is not punished. (He may not get caught.) The norm that the thief ought to be punished exists because another norm says so. Not all norms are laws. There are also moral norms. Legal norms are coercive; moral norms are not (Suri Ratnapala, *Jurisprudence* [Cambridge: Cambridge University Press, 2009], at 58.)

The definition is also generally consistent with the Austinian/Benthamian view of law, see Brian Bix, “John Austin” (24 February 2001), *Stanford Encyclopedia of Philosophy* (online at plato.stanford.edu/entries/austin-john/#3), and Jeremy Bentham, *Of Laws in General: Principles of Legislation*, edited by HLA Hart (London: Athlone Press, 1970), at 1. HLA Hart, while critical of the Austinian view, agreed with these core elements, see generally *The Concept of Law*, 3rd ed. (Oxford: Oxford University Press, 2012), at 91–95. Even nonpositivist writers would likely agree with these elements, as the distinction between legal positivism and other theories hinges mainly on the separation of law and morality (see, e.g., Alan D Cullison, *Morality and the Foundations of Legal Positivism* (1985) 20:1 *Val U L Rev* 61.) In the paper cited above, I argue that informal rules of behaviour meet the same characteristics of law as more formal rules of behaviour.

xliii See Kent, *Brainwashing in Scientology’s Rehabilitation Project Force (RPF)*, supra note xxxii.

xliv Although the number of Sea Organisation members is a closely guarded figure and although Scientology may not keep up to date records of Sea Organisation membership (that is, records excluding members who have defected or otherwise left the organisation), there appear to be some 5,000 Sea Organisation members. “What

Is the Sea Organisation?” supra note xxvi used to list a number in that vicinity, but the mention was removed from the page several years ago. J. Gordon Melton, a religious scholar, suggests that there were some 7,000 members circa 2000 (“A Contemporary Ordered Religious Community” in Derrick Davis & Barry Hankins, eds., *New Religious Movements and Religious Liberty in America* [Waco, TX: Baylor University Press, 2003], 43.)

xlv The word contract has a definition within the mainstream legal system. There are several situations in which religions use the word contract to refer to a document that is invalid within the majority of mainstream legal systems. In these situations, using the word is arguably inappropriate. It could be argued that the meaning of the word is not “owned” by any particular legal system. This point is, however, of no relevance because Scientology does not have its own definition of the word contract, and the meaning of the word is generally consistent across legal systems.

xlvi Religious organisations are generally nonprofit organisations. As nonprofit organisations, they can, like corporations, have employees (for more on this point, see note l, following).

xlvii There are many examples of such contracts. One example is the religious marriage contract. These contracts can be valid within the mainstream legal system if they comply with the legal requirements regarding the formation and content of contracts; see, e.g., Ghada G. Qaisi, “Religious Marriage Contracts: Judicial Enforcement of Mahr Agreements in American Courts” (2001) 15 *JL & Religion* 67.

xlviii I use the phrase “mainstream legal system” to refer to the state legal system in jurisdictions where Scientology is present. For other authors using the phrase, see Marilyn Holly, “Navajo Criminal Justice: A Jungian Perspective” in Jeffrey Ian Ross & Larry Allen Gould, eds., *Native Americans and the Criminal Estevez, Marina Rachofsky & Carla Rodríguez, “Is Perception of the Mainstream Legal System Homogeneous Across Ethnic Groups?”* (2013) 5:2 *European Journal of Psychology Applied to Legal Context* 155.

xlix See Many, supra note xii. In Quebec, employment contracts are regulated by the Act respecting labour standards, CQLR, c N-1.1. I use the example of Quebec to demonstrate some of the reasons why the billion-year contract is not a valid employment contract.

i See, e.g., Act respecting labour standards, *ibid*, s 40. Although Scientology provides its Sea Organisation members with room and board, such benefits are of no relevance to the computation of the minimum wage; see, e.g., *Ibid*, s 41. This argument is only to show that the billion-year contract cannot be an employment contract. Since religions are almost always nonprofit organisations, they can be the beneficiaries of hours volunteered by their members. That being said, although this point is beyond the scope of this paper, it is worth mentioning that the status of Scientology workers in Quebec is arguably illegal. One is either a volunteer or an employee (subject to minimum-wage regulations). There cannot be paid volunteers. After the writing of this article but before its publication, Quebec’s labour regulator claimed almost one million (Canadian) dollars from Scientology, arguing the same. The case was confidentially settled; see Gaétan Pouliot, “L’Église de scientologie a-t-elle payé ses employés?” (6 May 2019), *Radio-Canada* (online at ici.radio-canada.ca/nouvelle/1167741/eglisescientologie-cnesst-entente-amiable-quebec).

Since the billion-year contract is invalid within the mainstream legal system, there are no legal protections applicable to children signing the contract. The act of signing the contract has no legal significance. More generally, children are free to join religions and religious legal orders, as long as they comply with applicable laws. These laws tend to regulate the number of years of mandatory schooling and the nature of work which can be performed by children. As mentioned in note xxx, many members have joined

the Sea Organisation as children. Westbrook finds that more than a third of members joined before age 19. Although Scientology states that it complies with applicable laws, that may not always have been the case; see, e.g., “Church of Scientology Settles LA Suit with Ex-Member Claiming Coerced Abortion and That She Had to Work as a Pre-Teen” (24 July 2018), Los Angeles Daily News (online at www.dailynews.com/2018/07/24/church-of-scientology-settles-la-suit-with-ex-member-claiming-coerced-abortion-and-that-she-had-to-work-as-a-pre-teen/), and Tony Ortega, “Scientology’s Shocking Treatment of Children Held in a Suburban Labor Camp” (14 February 2012), The Village Voice (online at www.villagevoice.com/2012/02/14/scientologysshocking-treatment-of-children-held-in-a-suburban-labor-camp).

ii The maximum term of a contract depends on how it is categorised. It is generally limited to 100 years; see, e.g., arts 1123, 1197, 1272, 1880, 2374 CCQ.

iii See, e.g., “Is It True that People in the Sea Org Sign a Billion-Year Contract?” supra note xx (“It is a symbolic document that, similar to vows of dedication in other faiths and orders, serves to signify an individual’s eternal commitment to the goals, purposes and principles of the Scientology religion”).

iii See generally Lord, “Scientology’s Legal System,” supra note iii and Lord, “Case Comment,” supra note viii.

iv See my comment about inaccurate information on public Scientology websites (and related sources) at note 16. See also the claim at note 37.

iv Clifford Heseltine, “What Is the ‘Billion Year Contract’ in Scientology?” (17 April 2018) (online at Quora <www.quora.com/What-is-the-billion-year-contract-in-Scientology/answer/CliffordHeseltine?ch=10&share=d1f664b6&sr_id=OBAm).

vi See, e.g., arts 1591, 1671 CCQ.

vii Also see generally Lord, “Scientology’s Legal System,” supra note iii and Lord, “Case Comment,” supra note viii.

viii See generally Stephen A Kent, “Scientology and the European Human Rights Debate: A Reply to Leisa Goodman, J. Gordon Melton, and the European Rehabilitation Project Force Study” (2003) 8:1 Marburg J Religion.

ix Although I do not explicitly argue earlier that Scientology’s legal system is fully equivalent to the mainstream legal system, there is no reason to differentiate between the consequences that sanction a contractual breach within Scientology and the consequences that sanction the same within the mainstream legal system. In my other paper, I argue that Scientology’s legal system is self-contained and independent. Scientology has the full apparatus of enforcement mechanism and facilities to punish contractual breaches in the same way as the mainstream legal system does. As mentioned earlier, the pressure to honour one’s contractual commitments may be more significant within Scientology because the consequences reach beyond those imposed institutionally.

x This paper has focused on the billion-year contract. I did not consider the various other contracts, some valid within the mainstream legal system, that Scientology uses to define its relationship with its members. On these, see generally Lord, “Case Comment,” supra note viii and Paige Papandrea, “Losing My Religion (and My Money): How the Church of Scientology Contractually Limits Its Ex-Members’ Ability to Fight the Church in Court” (30 December 2018), Minnesota Law Review Blog (online at minnesotalawreview.org/2018/12/30/losing-my-religionand-my-money/).

xi This terminology is also consistent with the legal research

involving other religions and religious movements; see, e.g., John Witte, “Foreword: From Critical Legal Studies to Christian Legal Studies,” in Robert Cochran & David VanDrunen, eds., *Law, and the Bible: Justice, Mercy and Legal Institutions* (Downers Grove, IL: InterVarsity Press, 2013), at 7, and Ayesha S. Chaudhry, “Islamic Legal Studies: A Critical Historiography,” in Anver M. Emon & Rumea Ahmed, eds., *The Oxford Handbook of Islamic Law* (Oxford: Oxford University Press, 2017), 1, at 1. The suffix -ical does not imply a perspective that is favourable to or rooted in the religion being studied.

xii See notes xv and xvi.

xiii See generally note xlv. See also Lord, “Case Comment,” supra note viii.

xiv My personal opinion is that the magnitude and comprehensiveness of the materials that constitute Scientology’s legal system suggest that it is unlikely that the use of a word with such an obvious relationship to the mainstream legal system is unintentional.

xv See Lord, “Scientology’s Legal System,” supra note iii at 20–21, and Mikael Rothstein, supra note viii, at 24.

About the Author

Phil Lord conducts research at McGill University’s Faculty of Law. His research concerns law and religion, public law, and behavioral economics. He has authored more than a dozen academic articles.