

CHARITY COMMISSION

APPLICATION FOR REGISTRATION OF LIVING IN RADIANCE

DECISION OF THE CHARITY COMMISSIONERS

MADE ON 24 AUGUST 2005

1. The Issue Before the Commission

The Commission considered an application by Living in Radiance ("LiR") for registration as a charity. If LiR was established as a charity it should be entered on the Central Register of Charities under section 3(2) of the Charities Act 1993.

2. Decision

The Commissioners:

- having considered the case which had been put to them by LiR; and
- having considered and reviewed the relevant law, the governing document and the activities of LiR,

concluded that LiR was not established as a charity and accordingly is not registerable on the Central Register of Charities. Having considered the objects and activities of LiR, the Commissioners concluded that the purposes of LiR were not exclusively charitable either for the advancement of education, the advancement of health or the promotion of the moral or spiritual welfare or improvement of the community.

3. The Objects and Activities of Living in Radiance

- 3.1 The Trust Deed, executed on 27 September 2002, was established with the following object:

"To advance the education of the public by providing information, services and educational programmes on the science of meditation and peace education, with particular focus on The Radiance Technique¹ for the relief of suffering through releasing stress and for the creative and peaceful development of humanity."

- 3.2 LiR was established to undertake the activities which LiR considered to be charitable and which were previously undertaken by The Radiance Technique Association for Great Britain, which is a non-charitable, not for profit organisation operating for the benefit of its members.

¹ The Radiance Technique is a service mark registered in the US and the EU by The Radiance Technique International Association Inc

3.3 LiR's principal activities are:

- Providing information on The Radiance Technique;
- Sponsoring Peaceful Planet Workshops;
- Offering experiential sessions with The Radiance Technique for the public and specific groups such as children and older people within health, hospice or educational settings; and
- Publishing a journal called "Living in Radiance" presenting articles and personal experiences of The Radiance Technique.

3.4 The Peaceful Planet Workshops provide an opportunity for people to experience using transcendental energy. In the workshops a simple use of hands-on meditation is taught. Other activities at the workshops include learning about living more peacefully by talking more peacefully, walking more peacefully, and teaching individuals to find a more peaceful place within themselves. An example would be that when people are smiling they are more peaceful.

3.5 LiR also provided the Commission with information about The Radiance Technique itself. LiR describes The Radiance Technique as a "*science of meditation*" which includes Seven Degrees of Attunement. Each of the Seven Degrees within The Radiance Technique is distinguished by appropriate Attunements for that Degree.

3.6 LiR describes The Radiance Technique as a "*precise technique for balancing your energies throughout your whole physical-emotional-mental-spiritual dynamic*". The Expanded Reference Manual of The Radiance Technique describes The Radiance Technique as promoting "*from within you the qualities of loving, caring, growing, compassion, trusting, self actualising, good will, wholeness, peace and serenity*".

4. The Framework for the Issues Considered by the Commissioners

4.1 The Commissioners considered that it was unclear whether the object set out in the Trust Deed was exclusively charitable. In particular they were concerned whether the information, services and educational programmes proposed and carried out by LiR on the science of meditation and peace education with particular focus on The Radiance Technique could be said to be for the advancement of education or other recognised charitable purpose for the benefit of the public. This raised the question whether the activities had sufficient educational or other value to be accepted as charitable.

4.2 The Commissioners noted that where there was sufficient doubt about the charity of the expressed objects and public benefit, following the approach taken by the Courts, they were entitled to look at the actual and proposed activities to determine the purposes of LiR and whether it operated for the public benefit. (Sachs LJ in *Incorporated*

Council of Law Reporting for England and Wales v Attorney General (1972) Ch 73 at p91; Chadwick LJ in Southwood v Attorney General unreported CA 28 June 2000)

- 4.3 In determining whether LiR was a charity the Commissioners considered whether LiR's activities were in furtherance of any of the following charitable purposes:
- advancing education for the public benefit;
 - advancing health for the public benefit; and
 - promoting the moral or spiritual welfare or improvement of the community for the benefit of the public.

5. Advancement of Education

- 5.1 The Commissioners reviewed the approach to advancing education taken by the Commission in the *Millennium College Decision*² and the Commissioners applied the reasoning in this Decision when considering LiR. This Decision considered the legal framework of education by a charity and what that extends to in modern society.
- 5.2 The Commissioners noted that LiR had submitted that the study of The Radiance Technique involves mental learning of facts, physiological learning where a practical skill is taught and transcendental learning where knowledge is gained through meditation and direct experience. LiR also asserted that there is a scientific foundation for meditation although no independent evidence was submitted to support this. The Commissioners also noted that the study of The Radiance Technique may be capable of advancing education in a way that the law regards as charitable.
- 5.3 The Commissioners considered the Peaceful Planet Workshops and experiential sessions provided by LiR and concluded that these workshops would not have the effect of improving the minds of the immediate participants by adding to their factual knowledge or competencies, abilities, skills or understanding of The Radiance Technique. The Commissioners considered that the workshops were not sufficiently structured and did not have the appropriate level or quality of material to be capable of advancing education as understood in charity law. It was noted that if the participants of the Peaceful Planet Workshops wished to study The Radiance Technique further, the teaching was not provided by LiR but these participants would be advised about individual appropriately qualified teachers.
- 5.4 The Commissioners also considered the content of the journals published by LiR and were of the view that the journals were not

² *The Millennium College Decision* is available on the Commission's website (www.charitycommission.gov.uk)

directed at meeting learning needs so as to be advancing education in a way that the law regards as charitable.

- 5.5 The Commissioners noted that LiR's activities were more about promoting the concept of The Radiance Technique by the provision of information in order to raise awareness. The Commissioners considered whether simply providing information would be sufficient to advance education. The Commissioners considered that *"simply imparting information which was unstructured and of no or little educational value could not be charitable"*³.
- 5.6 Although the Commissioners noted that the extent of the necessary structure of the material and/or processes would depend on the circumstances of each particular case, the Commissioners considered that characteristics often found in educational organisations, in particular by organisations educating in subject areas such as meditation, would include the actual teaching of the meditation or the accreditation of meditation teachers. However LiR was not undertaking any of these types of activities.
- 5.7 The Commissioners therefore concluded that LiR was not advancing education as understood in charity law.
- 5.8 As the Commissioners were not satisfied that LiR was capable of advancing education, the public benefit of LiR in relation to the advancement of education was not considered.

6. Advancement of Health

- 6.1 The Radiance Technique does not claim to be a medical science, a science of disease or a form of psychic healing. The Expanded Reference Manual of The Radiance Technique is clear that The Radiance Technique is not a substitute for proper medical care and states that it does not have any interference with medicine or medical cases. It is also clear that it is not diagnostic. However the Commission was informed that The Radiance Technique is an *"extremely helpful self help technique for total relaxation and stress release"* and this was supported by personal testimonies.
- 6.2 The Commissioners' noted that there was a general acceptance that meditation may be capable of advancing health. However no evidence was submitted by LiR regarding the efficacy of The Radiance Technique in relation to the advancement of health⁴. In the *NFSH*

³ Paragraph 5.9 *Millennium College Decision*. However the Commissioners did also consider that the educative quality of the material imparted may be of less significance in cases where an individual's education was advanced solely through the processes and methods used, where they were intended to and could be shown to develop an individual's capabilities, competencies, skills or understanding.

⁴ The *NFSH Charitable Trust Decision* also made a distinction between therapeutic activities which have an effect on an illness or the threat of one and those which are about well being.

*Charitable Trust Decision*⁵, the Commissioners concluded that some proof of efficacy would be required before accepting that a particular therapy was capable of relieving illness or advancing health for the public benefit and the Commissioners' view was that the personal testimonies of the benefits to individuals arising from The Radiance Technique in themselves would not be sufficient to conclude that efficacy.

- 6.3 Further, LiR acknowledged that they did not consider themselves to be for the purposes of advancing health. The Commissioners therefore did not consider further whether LiR was advancing health for the benefit of the public.

7. Promotion of the Moral or Spiritual Welfare or Improvement of the Community

- 7.1 The Commission's approach to the charitable purpose of the moral or spiritual welfare or improvement of the community under the fourth head of charity law⁶ is set out in the Commissioners' Decision in the *Church of Scientology*⁷ and the Commissioners applied the reasoning in this Decision when considering LiR. On page 35 of the *Church of Scientology Decision*, the Commissioners concluded that the legal authorities suggested that the key aspects of the purpose of promoting the moral or spiritual welfare or improvement of the community "*would be that the doctrines, beliefs and practices of the organisation are accessible to the public and capable of being applied by members of the public according to individual judgement or choice from time to time in such a way that the moral or spiritual welfare or improvement of the community may result*".
- 7.2 The Commissioners noted that in Peaceful Planet Workshops or experiential sessions, participants experienced a simple use of hands-on meditation technique. However it was not sufficiently clear from the information submitted to the Commissioners that the level of instruction at the workshops and sessions would enable the participants to have a sufficient understanding of The Radiance Technique to be able to adopt The Radiance Technique according to individual choice and to practice it with beneficial effects within the community. In addition, the Attunement process cannot be learnt from books and requires teaching which is not provided by LiR but from an accredited qualified teacher. More advanced learning of The Radiance Technique is only taught in seminars conducted by Dr Barbara Ray who is the author of the seminal books on The Radiance Technique.

⁵ The *NFSH Charitable Trust Decision* is available on the Commission's website.

⁶ Under the classification of charities by Lord MacNaughten in *Income Tax Special Purposes Commissioners v Pemsel* [1891] AC 531 "other purposes beneficial to the community not falling under any of the preceding heads".

⁷ *The Church of Scientology Decision* is available on the Commission's website on www.charitycommission.gov.uk

- 7.3 Although the courts and the Commission are concerned only to establish whether the LiR's activities *may* result in the moral or spiritual welfare or improvement of the community, the Commissioners were satisfied that it had not been demonstrated to them that LiR's activities may or would be capable of promoting the moral or spiritual welfare or improvement of the community and therefore LiR is not charitable under this head of charity law. The Commissioners therefore did not consider further whether LiR was promoting the moral or spiritual welfare or improvement of the community for the benefit of the public.

8. Conclusion

After careful consideration the Commissioners concluded that LiR is not a charity.