

# Congregationalist Church of the Flying Spaghetti Monster



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**Parties:** Mr John Hamill  
Congregationalist Church of the Flying Spaghetti Monster

v

Mr Owen Keegan  
Dublin City Council

**Issue:** Equal Status Act  
ADJ-00011817  
CA-00016014

**Date:** 22nd March 2018

**Location:** Lansdowne House, Dublin 4

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## 1. Introduction

### 1.1

During the hearing of this case some new evidence was introduced by the Respondent, which was not included within their original submission. This new evidence was both written and verbal. It was not practical to check the veracity of this new evidence within the hearing, but it has subsequently been possible to confirm that the new evidence was factually incorrect. This clarification is provided in order to make the adjudicator aware of the discrepancies.

### 1.2

Furthermore, during the course of the hearing the Complainant was asked to summarise in just a few minutes, the nature of religion practiced within the Congregationalist Church of the Flying Spaghetti Monster. This is a strange request as it would not be possible to provide full insight into the true depth and profundity of any religion, in such a short amount of time. Nevertheless, a summary was provided of the meta-physical beliefs held by the Complainant, which extend beyond the natural word and speak to spirituality, values, ethics and morality. It is important to note that this was necessarily a relatively shallow summary, given the constraints of the hearing and it does not represent the full set of religious tenets and beliefs of the Complainant. Should the adjudicator feel that the description provided during the hearing was insufficient, then there is an open invitation to learn more by visiting with our congregation during worship or asking for further explanations. Specifically, the brief hearing would not be sufficient on its own to make any informed decision about the Congregationalist Church of the Flying Spaghetti Monster.

## 2. New Verbal Evidence

### 2.1

During the hearing, former Lord Mayor Brendan Carr stated that he was the author of the Dublin City Interfaith Forum Charter. He further stated that he initiated the activities associated with the Charter and that it was open to any religious group to be included in those activities. This is absolutely not true. On the Respondent's web site<sup>1</sup>, former Lord Mayor Carr is quoted as saying the following at the signing of the Dublin City Interfaith Forum Charter:

*"It is my pleasure to welcome representatives from the various religious bodies involved through the Dublin City Interfaith Forum, with the creation of this farseeing Charter."*

The only religions permitted to participate were the mainstream religions who are members of the Dublin City Interfaith Forum. This is a religiously exclusionary body that represents less than a third of the religions in Dublin. More than two thirds of the religions in Dublin are excluded. By allocating public funds to the promotion of this religiously exclusionary group, the Respondent is excluding all those from outside the mainstream religions from an equal opportunity to participate in the public life of the city, purely on the basis of their religious beliefs.

### 2.2

The former Lord Mayor Brendan Carr also gave evidence at the hearing, that he had no intention of discriminating against any minority group and that he wished to be fully inclusive of everyone. This is absolutely false. In addition to promoting the Dublin City Interfaith Forum on the two-storey banner at the front of the civic offices, the Respondent also arranged for coverage of the Dublin City Interfaith Forum in the national media. At the signing of the Charter, former Lord Mayor Carr was quoted<sup>2</sup> in the Irish Times as saying:

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<sup>1</sup> <http://www.dublincity.ie/launch-dublin-city-interfaith-charter>

<sup>2</sup> <https://www.irishtimes.com/news/social-affairs/religion-and-beliefs/dublin-city-interfaith-charter-signed-for-all-religions-in-the-city-1.2913539>

*"Speaking as a practising Catholic who is not going to change, I appreciated how every single person said 'yes' when contacted about signing the Charter".*

It was absolutely not the case that all religions were invited to join in this activity. There was no open invitation allowing all religious leaders to participate. Instead, former Lord Mayor Carr explicitly identified himself as a practicing member of one mainstream religion, and described how he issued a very limited set of invites to the leaders of a select few other mainstream religions. More than two thirds of the religions in Dublin were explicitly and deliberately excluded from this invite list, based purely on their religious beliefs.

### 2.3

In their new verbal evidence introduced at the hearing, the Respondent contended that this was a fully open process, intended to be inclusive of all religions. That is demonstrably false and is entirely inconsistent with the behaviour of the Respondent. If the Respondent wished to be fully inclusive, they could have issued an open invite for those of all religions and none to sign up to a Dublin City Council Charter supporting diversity. They did not do this. Instead, the Respondent supported and promoted the exclusionary Dublin City Interfaith Forum and published a Charter designed, as stated in writing by the Respondent, to "*publicise*" that group and the "*fundamental values of their faith*". These are not the same as the fundamental values of all the other faiths that were deliberately excluded by the Respondent.

### 2.4

It was suggested by the former Lord Mayor Brendan Carr during the hearing, that the model of the Dublin City Interfaith Forum may soon be copied in Norway in Sweden. This is false. There is absolutely no evidence that any other European country will allow any public representative to pick their favourite religions, and then spend public money to promote only the "*fundamental values of their faith*", while excluding the fundamental values of all other faiths.

## 3. New Written Evidence

### 3.1

The conduct of the Respondent during the hearing was simple and straightforward, in terms of how their discriminatory behaviour was to be explained. The Respondent conducted extensive Internet searches in order to find the worst possible quotes made by anyone at all who had used the term 'Pastafarian'. These were people who had absolutely no connection to the Complainant whatsoever, and yet the Respondent used these quotes to associate the Complainant with each of the following:

- prostitutes
- strippers
- sexually transmitted diseases
- binge drinking
- public intoxication

The Complainant absolutely rejects the Respondent's contention that these issues have anything whatsoever to do with the Complainant or any other member of the Congregationalist Church of the Flying Spaghetti Monster. There was absolutely no evidence whatsoever offered to associate the Complainant with any of these issues. **Any attempt by any party to associate the Complainant with any of these issues cited by the Respondent in writing during the hearing, is entirely dishonest and grossly defamatory.**

### 3.2

The Complainant considers that these issues raised by the Respondent, is evidence of further discriminatory behaviour. The Respondent did not search the Internet for the worst things ever said

by a Roman Catholic and then refuse to be inclusive of the Roman Catholic Church on this basis. Why did the Respondent search the Internet for the worst things ever said by someone who had mentioned Pastafarianism, and offer these comments as a reason why the Complainant should be treated differently from those who profess mainstream faiths?

#### 4. New Explanation for Discrimination

##### 4.1

During the hearing, the Respondent changed their position from that which was previously stated, to now indicate that they excluded the Complainant based on concerns that the Congregationalist Church of the Flying Spaghetti Monster is a parody religion. Previously, the written position of the Respondent was that they would only engage with a single religious group as a *"once off gesture"* and they would not engage with any others. That is, the original position described by the Respondent in writing, was that they would not be inclusive of the Complainant under any circumstances, whether they considered the Complainant to be a member of a religion or not.

##### 4.2

The new explanations offered by the Respondent during the hearing, are not at all consistent with their behaviour since correspondence on this matter began. If the Respondent had genuinely excluded the Complainant based on an actual concern about whether or not the Complainant was acting in a satirical manner, then this could have been raised on the following occasions:

- On 3rd August 2017, the Respondent wrote in reply to the Complainant's letter of 25th July 2017. If there had been a genuine concern about parody religions then this could have been raised at that point and quickly dealt with by the Complainant. However, in that letter the Respondent mentioned no concerns about parody religions and simply stated that no other religious groups would be facilitated other than the Dublin City Interfaith Forum.
- On 9th August 2017, the Respondent wrote in reply to the Complainant's letter of 4th August 2017. Again, there was no mention of concerns about parodies in the reply. Instead, the Respondent simply repeated that no other religious groups would be included in the Respondent's promotional activities, other than the Dublin City Interfaith Forum.
- On 14th August 2017, an ES1 Form with a set of questions and a blank ES2 Form was delivered to the Respondent by registered post. If there had been a genuine concern about parody religions then this could have been raised at that point and quickly dealt with by the Complainant. However, the Respondent declined to answer any of the questions in the ES1 Form.
- On 27th November 2017, the Complainant submitted an ES3 Form with a request for mediation. If there had been a genuine concern about parody religions then this could have been raised during mediation and dealt with by the Complainant within that process. However, the Respondent refused mediation and continued excluding the Complainant.

It is simply not credible for the Respondent to propose that their specific concern throughout this period, related to the possibility of the Complainant satirising religion. There was ample opportunity for the Respondent to raise and address such an issue, but instead the Respondent simply refused in writing to be inclusive the Complainant, or any other group with non-mainstream religious views from outside the Dublin City Interfaith Forum.

##### 4.3

The Respondent's new explanation for their behaviour, as articulated during the hearing, directly contradicts their previous explanation. In both letters from the Respondent on this subject (on the 3rd and the 9th of August 2017) the Respondent stated that the banner was erected as a *"once-off gesture"* and that no other religious group would be promoted or publicised in this way. That is, the position of the Respondent was that even if they recognised the Complainant as a religion, they still would not have behaved in an inclusive manner towards the Complainant. During the hearing

however, this position changed substantially. The new position articulated by the Respondent was that they wanted to be inclusive of all religions but that they just didn't recognise the Complainant as belonging to a religion. These two positions are mutually exclusive. They cannot both be true. Either the Respondent was being untruthful when they twice refused in writing during 2017 to be inclusive of the Complainant, or else they were being untruthful during the hearing. There can be no benign explanation for these two mutually exclusive positions articulated by the Respondent.

## 5. Conclusion

### 5.1

The Respondent's submission before the hearing suggested that there was an absence of notification in this case. During the hearing it became clear that full and proper notification had been provided by registered post in a timely manner. It is accepted by the Complainant that this oversight was an honest mistake by the Respondent.

### 5.2

The Respondent's submission before the hearing suggested that there was not a proper Complainant in this case. This was based on a mis-quote from the ES1 Form, which caused the Respondent to believe that there was a class action on the part of a congregation, or a number of congregations. This is not correct and this point was clarified during the hearing. At all times, the Complainant has been Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster. It is accepted by the Complainant that this error was the result of an honest mistake by the Respondent.

### 5.3

The Respondent has argued that the Complainant does not have locus standi, as the Congregationalist Church of the Flying Spaghetti Monster is not a religion. The Complainant alleges that discrimination on the religion ground has occurred because the Respondent has privileged mainstream religions, while treating others without mainstream religious beliefs less favourably. Section 3.2(e) of the Equal Status Act, states that discrimination on the religion ground will have occurred if the Respondent treated one person less favourably than another because:

*"... one has a different religious belief from the other, or that one has a religious belief and the other has not"*

That is, the test to be applied is whether or not the Complainant was treated less favourably because the Complainant does not share the mainstream religious beliefs of the Dublin City Interfaith Forum. The test to be applied is not whether the Complainant is a member of a religion or not, and in fact the Act explicitly states that discrimination may still have occurred even if the Complainant has no religious beliefs.

### 5.4

The Complainant contends that whether or not the Congregationalist Church of the Flying Spaghetti Monster is a religion, is not at all relevant to this case and need not be considered at all within the adjudication. However, the Complainant also contends that if the issue is to be adjudicated, the Congregationalist Church of the Flying Spaghetti Monster absolutely is a religion. In paragraph 12 of the Respondent's submission, there is a reference to the test that must be met for a philosophical perspective to be considered a religion. According to the European Court of Human Rights, this test states is described as follows:

*"The right to freedom of thought, conscience and religion denotes a view that attains a certain level of cogency, seriousness, cohesion and importance."*

Article 3(G) within the Constitution of the Congregationalist Church of the Flying Spaghetti Monster requires all members to be secular, for explicitly theological reasons. Purely from this express theological commitment to secularism in their Constitution, all members of the Congregationalist Church of the Flying Spaghetti Monster have already been determined to have philosophical convictions that must enjoy the same protections as any other religious belief. The European Court has found that secularism is a philosophical conviction protected by Article 9 of the European Convention on Human Rights. Paragraph 58 within the judgement of the European Court in the “*Lautsi v Italy*” case (see Appendix 12) states that:

*“Secondly, the Court emphasises that the supporters of secularism are able to lay claim to views attaining the ‘level of cogency, seriousness, cohesion and importance’ required for them to be considered ‘convictions’ within the meaning of Articles 9 of the Convention and 2 of Protocol No. 1 (see Campbell and Cosans v The United Kingdom, 25 February 1982, § 36, Series A no. 48). More precisely, their views must be regarded as ‘philosophical convictions’, within the meaning of the second sentence of Article 2 of Protocol No. 1 ...”*

All supporters of secularism, including the supporters of secularism that may base such support on their theological commitments to the tenets of the Congregationalist Church of the Flying Spaghetti Monster, must enjoy the protections of Article 9.

#### 5.5

In addition to a commitment to secularism, the Congregationalist Church of the Flying Spaghetti Monster contains a deep set of other theological convictions, which inform a weighty and substantial aspect of the lives of its entire congregation. These theological beliefs include a range of serious, cogent, important and cohesive religious convictions. There is an open invitation to either the adjudicator, or to any member of Dublin City Council, to attend monthly worship with the Complainant in Dublin, in order to witness these aspects of the Complainant's religion.

#### 5.6

There is a prima facie case of religious discrimination with respect to the Respondent's behaviour, as the Respondent has stated in writing that they will invest public money to promote and publicise the fundamental values of only one carefully selected religious group, while excluding all others. Since the Respondent has sought out, and selectively decided to privilege only the members of the Dublin City Interfaith Forum, the Respondent has therefore discriminated against all others who do not share the mainstream religious views of the Dublin City Interfaith Forum. It is then incumbent upon the Respondent to describe an objective reason why they have applied such different treatment to different religious groups. The Respondent has not made any effort to do so and has instead simply sought to impugn the Complainant with untrue and defamatory smears, relating to support for prostitution and strippers with sexually transmitted diseases.

#### 5.7

If the Complainant had held mainstream religious views and had therefore been accepted as a member of the Dublin City Interfaith Forum, then the Complainant would have enjoyed all of the publicly-funded promotional efforts that the Respondent invested in the other members of the Dublin City Interfaith Forum. Solely because the Complainant does not have mainstream religious beliefs, the Complainant was treated less favourably by the Respondent than those who do have mainstream religious views, and was therefore discriminated against on the religion ground.

#### 5.8

To accept the position that the Respondent has argued, it must be accepted that it would be perfectly acceptable to launch another promotional campaign to publicise say Catholicism, to the exclusion of all other religions. If the Respondent's arguments are accepted then it would not be discriminatory for any public body to fund such a campaign to promote only Catholicism from public funds. Moreover, if the Respondent's arguments are accepted then atheists and humanists would not even have locus standi in order to submit a complaint about such a campaign, as they are not members of a religion.

5.9

The adjudicator is asked to find that the Complainant in this case is a person who does not have mainstream religious beliefs, who has been discriminated against on the religion ground because the Respondent has privileged groups with mainstream religious beliefs. The adjudicator is further asked to find that public bodies may not privately select their preferred religious groups and invest public monies in promoting their preferred religious groups, to the deliberate exclusion of all others.

Signed 22nd March 2018:

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Mr John Hamill  
Ordained Minister  
Congregationalist Church of the Flying Spaghetti Monster