

Congregationalist Church of the Flying Spaghetti Monster



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

Hearing Date: 22nd March 2018

Hearing Location: Lansdowne House, Dublin 4

1. Introduction

1.1

On 11th April 2018, the Respondent provided an Additional Submission, which included new and false statements. This Additional Submission from the Complainant includes no new arguments but merely highlights the new statements made by the Respondent, which are verifiably false.

1.2

In general terms, many of the issues raised during the Hearing (and since the Hearing) by the Respondent, relate to false assumptions that have been made about the Complainant's religion. These issues could have been easily resolved at any time during the process if the Respondent had simply asked the Complainant about the Complainant's religion. It is a matter of regret that instead, the Respondent has simply chosen to make one false assumption after another, requiring the Complainant to correct same. It is further a matter of regret that the Respondent has chosen to defend this case, simply by attacking the Complainant and the Complainant's religion, rather than providing an objective reason to explain why the Complainant was treated differently from those of the mainstream faiths. It is submitted that none of the previous personal smears against the Complainant (relating to false and defamatory comments about prostitutes and sexually transmitted diseases) nor any of these fresh new smears, have any relevance at all to the issues of Equality Law that are to be adjudicated.

1.3

Throughout the Additional Submission provided by the Respondent, the Complainant is referred to as a "*congregation of the Church of the Flying Spaghetti Monster*". This is false. At all times, the Complainant has been presented as Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster. Since the Respondent has consistently been unable to understand the nature of Congregationalist Polities, and been consistently been unable to correctly identify the religion to which the Complainant adheres, it is not clear how the Respondent can be so sure about the nature of this religious faith.

2. New False Statements

2.1

In paragraph 4 of the Additional Submission provided by the Respondent, it is stated that "*The Complainant was provided with ample opportunity to set out the nature of the religion practiced ...*". This is false. The Complainant made the specific point during the Hearing that the full spiritual depth of Complainant's religion would be impossible to describe during a single Hearing. For example, it is obvious that a single meeting would be inadequate to explain the full profundity of Buddhism. Nobody would expect to attend a single Hearing and leave with a full understanding of all aspects of Buddhism. The Complainant's religion is no more superficial than any other. It is not appropriate that the Respondent would insist that a single Hearing must be "*ample opportunity*" to set out the nature of the Complainant's religion, but would impose no such requirement on any other religion.

2.2

In paragraph 5 of the Additional Submission provided by the Respondent, it is stated that the Complainant was "*welcome to sign up to the Dublin City Interfaith Charter*" (DCIF). This statement was indeed made by the former Lord Mayor of Dublin (Mr Brendan Carr) during the Hearing, and it was an outrageous statement. The DCIF has excluded the Complainant's religion for explicitly theological reasons. Inviting the Complainant to sign a document with the title and logo of the organisation that has excluded the Complainant, is a gross insult. This is akin to the Respondent introducing a "*Catholics-only*" policy and defending it on the basis that anyone who wishes to be included can sign up to Catholicism. There is a requirement on the Respondent to be inclusive of

those from all faiths and none, and requiring citizens to sign up to statements of religious values that explicitly exclude them, is clearly not inclusive.

2.3

In paragraph 6 of the Additional Submission provided by the Respondent, it is argued that privileging mainstream religions while discriminating against minority religions, is not cognisable within Equality Law. This is clearly inconsistent with paragraph 2 of General Comment 22 by the UN Human Rights Committee, on Article 18 of the International Covenant on Civil and Political Rights. That reference was provided in the Complainant's submission in advance of the Hearing. It is concerning that the Respondent would argue that such discrimination against minority religions is acceptable under Equality Law in Ireland.

2.4

In paragraph 7 of the Additional Submission provided by the Respondent, it is stated that *"the issue the Complainant has is with membership of the Dublin City Interfaith Forum"*. This is false and all correspondence to the Respondent since the very first contact between the Parties, has made this point clear. The issue the Complainant has, is that because the DCIF is a religiously exclusionary group, it is not acceptable for the Respondent to fund and promote only the DCIF to the exclusion of all other religions.

2.5

In paragraph 8 of the Additional Submission provided by the Respondent, it is stated that because the Complainant has been pictured wearing Pastafarian clerical millinery, that this implies various religious beliefs. The headwear worn by the Respondent in those photographs, implies membership of the Congregationalist Church of the Flying Spaghetti Monster and nothing else. The specific photographs of the Complainant referred to, were taken at Maynooth Diversity Week, during which presentations were made by many other faith leaders, including a Muslim Imam. Appendix 1 includes a photograph of a number of Imams present at the signing of the DCIF Charter with then Lord Mayor, Mr Brendan Carr. This includes Dr Ali Al-saleh, who is wearing traditional black Islamic headwear. As shown in Appendix 2, some identical traditional black Islamic headwear has also frequently been worn in public by Abu Bakr Al Baghdadi, the then leader of the Islamic State (ISIS). Of course, it would be absolutely outrageous if the Respondent assumed that Dr Ali Al-saleh must share the same beliefs as ISIS, because he wears the same hat as the leader of ISIS. It is no less outrageous for the Respondent to propose that the Complainant must share the same beliefs as a random stranger that the Respondent found on the Internet, who happens to be wearing a similar hat to the Complainant.

2.6

In paragraph 8 of the Additional Submission provided by the Respondent, it is stated that the Complainant contends that *"the Irish Church of Pastafarianism is a different church to his church and that is open for consideration by the adjudication officer"*. It has been made clear that the Complainant doesn't know any of the people involved with that organisation, that the Complainant has never met any of those people and that the Complainant has never spoken to them, or communicated with them in any way. Furthermore, it is clear from the Constitution of the Complainant's religion that none of those people could possibly be members of the Complainant's religion. This Respondent has offered no evidence linking the Complainant to the *"Irish Church of Pastafarianism"*, which has absolutely no relation whatsoever to the Congregationalist Church of the Flying Spaghetti Monster. It is shocking that instead of offering an objective reason for treating the Complainant differently from other religions, the Respondent has instead simply trawled the Internet in order to find the most heinous comments made by total strangers (from unrelated organisations) and asked the Complainant to answer for them. This is further evidence of religious prejudice against the Complainant on the part of the Respondent.

2.7

In paragraph 9 of the Additional Submission provided by the Respondent, it is stated that the Complainant contends that *"philosophical beliefs are reflected within the Equal Status Acts"*. No

such contention has been made by the Complainant. According to the European Court of Human Rights, the test as to which beliefs should and should not enjoy the protections of Article 9 within the European Convention on Human Rights, are 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."

The contention of the Complaint is that the Complainant's religion meets this definition. The contention of the Respondent is that DCC has no knowledge of Complainant's religion, and has not sought to ask the Complainant about the Complainant's religion, but that somehow the Respondent is still confident that the Complainant's religion does not meet this definition.

2.8

In paragraph 10 of the Additional Submission provided by the Respondent, it is stated that the Lord Mayor invited only the members of the DCIF (who represent a minority of the religions in Dublin) to sign up to the Charter. No other religious groups were afforded an opportunity to be treated equally, with respect to the religions that were favoured by the Respondent. This represents discrimination on the religion ground. The Respondent simply picked their favourite religions and promoted the aims and values of those religions using public money, while excluding all other religions.

2.9

In paragraph 10 of the Additional Submission provided by the Respondent, it is stated that the Respondent has legal advice to the effect that only the religious can be the victims of religious discrimination. If this argument is accepted, then the Respondent will be able to introduce new programmes for religious citizens only (funded by public money) and claim that no citizen will have locus standi to claim religious discrimination, as only the religious can make such a claim. This is an argument that no atheist and no humanist can ever be the victim of religious discrimination, which is an absolutely extraordinary position for a public body to argue.

2.10

In paragraph 10 of the Additional Submission provided by the Respondent, it is stated that the Complainant was treated less favourably than the DCIF as the Complainant is not a member of a religion. This position directly contradicts the initial position described in writing by the Respondent. Previously, the stated policy of the Respondent was that their promotion of the DCIF would be a *"once-off gesture"*, such that no other group would be supported in the same way. The position of the Respondent has since changed completely. The Respondent's position is now that the Complainant was treated differently because the Respondent did not perceive the Complainant to be a member of a religion. If this was the real reason for treating the Complainant differently, then we are being asked to believe that the CEO of DCC twice lied in writing to the Complainant, about the reason for treating the Complainant less favourably.

2.11

In paragraph 11 of the Additional Submission provided by the Respondent, it is stated that the complainant is taking a *"class action"* on behalf of a congregation. This is false. At all times it has been clear that the Complainant is Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster, and who has been discriminated against as the Complainant's religion is not a mainstream religion.

2.12

In paragraph 12 of the Additional Submission provided by the Respondent, it is argued that the Complainant cannot be considered to have a religious belief, as one small part of the Complainant's beliefs include a theological commitment to secularism. This is a statement that is grossly offensive to many faiths. For example, the Ahmadiyya Muslim Community believes that

Islam requires government to be separate from religion¹ and all Ahmadi Muslims therefore have a theological commitment to secularism. If the argument of the Respondent is accepted, then Ahmadi Muslims in Ireland would not enjoy any protections against religious discrimination from the Equal Status Acts. This is a contrived objection and an ignorant argument, which will be perceived as an insult by many minority faiths if it is accepted.

2.13

In paragraph 13 of the Additional Submission provided by the Respondent, it is stated that the Complainant described views that were "*secular philosophical beliefs*" during the Hearing. This is false. During the Hearing the Complainant described religious views, which were spiritual, meta-physical and outside of considerations that pertain to the natural world.

2.14

In paragraph 14 of the Additional Submission provided by the Respondent, it is stated that the Respondent did not "*invest public money to promote and publicise the fundamental values*" of one religious group. However, this is precisely what the Respondent did, even by the admission of the then Lord Mayor of Dublin, Mr Brendan Carr. The only invitations that were issued were to members of the DCIF. This is an elitist religious group that represents only a small minority of the religions in Dublin, and excludes other religions like that of the Complainant. No opportunity was afforded to any other group to participate, and public money was invested to promote the "*fundamental values*" of only those religions permitted to join the DCIF. The Respondent picked their favourite religions in secret, and invested publicly money in promoting only those religious groups, to the exclusion of all other religions.

3. Conclusion

3.1

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. In fact, the Respondent has not argued that there is no prima facie case.

3.2

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 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 sought to rely on a long list of irrelevancies, such as the kind of hat worn by the Complainant. The adjudication of this case should expect that the Respondent can clearly describe an objective basis to explain why the Complainant was treated less favourably than those of other religions. The Respondent has instead sought to rely on headwear-based arguments, which are irrelevant to Equality Law, and this should be rejected by the adjudication.

3.3

The adjudication is asked to find that the Complainant in this case is a person who does not have mainstream religious beliefs, and who has been discriminated against on the religion ground because the Respondent has privileged groups with mainstream religious beliefs. The adjudication 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. The manner in which this public money was invested to promote one religious group

¹ <https://www.alislam.org/library/articles/Separation of Mosque and State-200906.pdf>

to the exclusion of all others is not acceptable and the adjudication should not offer support to such behaviour.

Signed 16th April 2018:

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

Appendix 1: Signatories to the DCIF Charter, with Dr Ali Al-saleh pictured fourth from the right, wearing traditional black Islamic headwear.



Appendix 2: Abu Bakr Al Baghdadi, the then leader of the Islamic State (ISIS), wearing traditional black Islamic headwear.

