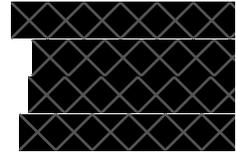


# Reformed Congregationalist Church of the Flying Spaghetti Monster



Reformed Congregationalist Church of the Flying Spaghetti Monster



21st August 2019

Mr Eoghan Ryan  
Marriages Section  
Principal Officer  
Department of Employment Affairs and Social Protection  
Áras Mhic Dhiarmada  
Store Street  
Dublin 1

## **Re: Registration of New Religious Body for Marriage Solemnisation**

Dear Mr Ryan,

Thank for your your recent correspondence to me by email. I reiterate my apology with respect to my confusion around the context of that communication. I hope I can clarify my response herein.

In the letter from Mr Fleming dated 12th August 2019, there is an error with respect to the definition of a religious body in the Civil Registration Act, 2004. This definition is properly quoted as:

*"religious body" means an organised group of people members of which meet regularly for common religious worship*

The Reformed Congregationalist Church of which I am a member, clearly meets this definition. In my application forms for the Civil Registration Service, I specifically indicated how regularly we meet for common religious worship.

In contrast, Mr Fleming appears to understand that the definition in Section 45 of the Civil Registration Act refers to *"religious practice"*. It does not. In fact, the word *"practice"* does not appear anywhere in the Civil Registration Act. Moreover, Mr Fleming has further stated that he interprets this definition as relating to the *"religious beliefs and practices"* within various groups, and whether those beliefs are positive or negative. Mr Fleming is acting

*ultra vires* in allocating to himself the role of distinguishing between positive and negative religious beliefs and practices, and then treating citizens differently depending on his subjective opinions about their religious beliefs. There is no reading of the Civil Registration Act, which involves coming to any value judgements about the content of different religious beliefs. Consequently, the reasoning followed by Mr Fleming is incoherent, discriminatory and prejudiced for the following reasons:

1. The application forms that are used to seek registration as a religious body at the Civil Registration Service, require information about how often the members of a body meet regularly for common religious worship. These forms do not require any information about the content of the beliefs held by any group or body. Mr Fleming has no information about what the specific religious beliefs are, within the separate individual groups that submit applications to his office.
2. Mr Fleming has no legislative basis on which to create categories such as "*positive*" or "*negative*" or "*parody*" into which different groups are to be allocated. There are no objective criteria to determine how to make these categorisations. For example, the world's most famous parody and satire of religion is probably *Gulliver's Travels*. Does this mean that a body that has accepted Jonathan Swift as a member, would necessarily be designated as a parody rather than a religion? There are recognised Christian groups that organise regular events around *Gulliver's Travels*. As such, it seems clear that an organised group may be both genuinely religious, while also engaging in parody of religion. A Christian group does not cease to be religious if they watch "*Monty Python's Life Of Brian*". The categorisations that have been created *ex nihilo* by Mr Fleming, are entirely incoherent and without any legislative basis.
3. It is outrageous that Mr Fleming would identify different religious beliefs as being either positive or negative, based on no objective criteria whatsoever. The categorisations described by Mr Fleming are based only on naked bigotry and are clearly defamatory. For example, the Roman Catholic Church believes in discriminating against women (in ordinations); believes in discriminating against gay people (in marriages); and believes in the eternal immolation of all non-Christians<sup>1</sup>. There is absolutely no basis on which Mr Fleming can categorise these beliefs as "*positive*". In contrast, the tenets of The Satanic Temple<sup>2</sup> are based purely on empathy, compassion, freedom and equality. Mr Fleming has designated these Satanic beliefs as "*negative*", based only on his own prejudice and bigotry. Similarly, whereas the teachings of the Roman Catholic Church in relation to the role of women, and on homosexuality, have caused immeasurable human misery over many generations, the beliefs of witchcraft<sup>3</sup> have harmed absolutely nobody. Nevertheless, Mr Fleming designates Christianity as containing positive beliefs, whereas he has determined that witchcraft contains negative beliefs. The process described in writing by Mr Fleming, is one based on nothing but pure sectarian animus.
4. In creating these broad categorisations, Mr Fleming is failing to treat each application on its own merits, but rather is guaranteeing that the process will be governed merely by prejudice and bigotry. Some Christian groups are entirely praiseworthy and deserving, while others or not. For example, while the Church of Our Lady Of Perpetual Tax Exemption<sup>4</sup> is legally recognised in the USA, it has been stated by its

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<sup>1</sup> [https://en.wikipedia.org/wiki/Extra\\_Ecclesiam\\_nulla\\_salus](https://en.wikipedia.org/wiki/Extra_Ecclesiam_nulla_salus)

<sup>2</sup> <https://thesatanictemple.com/pages/tenets>

<sup>3</sup> <https://witch.ie>

<sup>4</sup> [https://en.wikipedia.org/wiki/Our\\_Lady\\_of\\_Perpetual\\_Exemption](https://en.wikipedia.org/wiki/Our_Lady_of_Perpetual_Exemption)

founder to be a parody. Of course, this is not to say that all Christian groups must consist only of parody. Rather, each individual Christian group should be considered only on its own merits. Similarly, some Pastafarian groups consist only of parody, while others do not. In fact, several other countries such as New Zealand, already recognise certain individual Pastafarian groups for the purpose of solemnising marriages<sup>5</sup>. I have attached the relevant declaration by the Registrar-General in New Zealand. Mr Fleming is obligated to treat each application on its own merits, whereas he has instead described a process whereby all Christian groups will be designated as "*positive*" and all Pastafarian groups will be designated as "*parody*". This is false and defamatory as it pertains to my Reformed Congregationalist Church, and Mr Fleming has no objective basis upon which he can arrive at this conclusion.

5. In constructing this mechanism for considering applications, Mr Fleming appears to have sought out each of the most egregious religious discriminations that human rights law has specifically proscribed, and then studiously implemented every one. For example, I have attached UN General Comment 22 on Article 18 of the ICCPR<sup>6</sup>. It has been well-established that the privileging of traditional religions as compared new or less familiar religious beliefs, is to be strictly prohibited. There can hardly be a better example of this behaviour than that committed to writing by Mr Fleming. I have also attached the relevant section of the ECHR judgement on *Manoussakis v Greece*. It has long been well-established that it is not within the gift of State bodies to examine the content of different religious beliefs, then consider some to be legitimate and others not. Again, Mr Fleming has described in the clearest possible terms how he distinguishes between different citizens, based on his own personal value judgements about the content of their religious beliefs, without any objective or legislative basis for this approach.

It is deeply shocking to me that a senior official like Mr Fleming would construct his own private list of religions that he subjectively considers to be positive; and his own private list of religions that he subjectively considers to be negative; then discriminate between citizens depending on which list he imagines their religious beliefs to appear on. If I tried to imagine a cartoon example of religious bigotry, I couldn't hope to capture the quintessence of sectarian prejudice more clearly than Mr Fleming has done.

In addition to the general religious prejudices; the broad sectarian bigotries; and the overt human rights abuses described by Mr Fleming; the correspondence from Mr Fleming also includes some false and defamatory statements about me and my specific religious body, as described below:

- A. Mr Fleming has said that he has refused my application because it is "*wholly contradictory to be both an adherent to a religious belief whilst being an atheist*". This is an incredibly ignorant statement, as is evidenced not least by previous decisions made by the Civil Registration Service itself. The beliefs of the Dublin Unitarian Church explicitly state that they accommodate atheists<sup>7</sup>, and yet this group is already registered as a religious body. The beliefs of the OneSpirit Interfaith Ministries explicitly state that they accommodate those with no faith<sup>8</sup>, and yet this group is already

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<sup>5</sup> <https://gazette.govt.nz/notice/id/2015-go7246>

<sup>6</sup> <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>7</sup> <https://www.dublinunitarianchurch.org/beliefs.pdf>

<sup>8</sup> <https://interfaithministers.ie>

registered as a religious body. The beliefs of the Dublin Buddhist Centre explicitly state<sup>9</sup> that this group does not worship any god, and yet this group is already registered as a religious body. In fact, prominent Irish Buddhists have also been members of Atheist Ireland. There are many atheist religions across the world, with many committed adherents (such as Taoism, etc.). Moreover, research conducted by the Irish Bishops has consistently shown that circa 10% of Irish Roman Catholics are atheists<sup>10</sup>. Mr Fleming's comment is indicative of the risible rationalisations that often follow, once decisions are based on prejudice and bigotry rather than objective criteria.

- B. Mr Fleming has stated that the wording within the Constitution of my Reformed Constitutional Church in relation to divine revelation, "*cannot be taken in all seriousness*". I don't believe it is the role of Mr Fleming to compare and contrast claims of divine revelation within various different religious groups, then come to a view as to which are serious or otherwise. For example, Bishop Leo O'Reilly has recently given his imprimatur to divine revelations from Jesus Christ, which have been delivered through a process of interior locution<sup>11</sup> to a lady called Kathryn Anne Clarke in Co Cavan. If someone in Co Cavan is hearing the voice of a 2,000 year-old invisible Mediterranean carpenter in her head, and then transcribing those words into volumes of books, is this a divine revelation that must be taken in all seriousness by the Civil Registration Service? The very purpose of the Spiritualist Union of Ireland<sup>12</sup> is to deliver revelations from divine spirits. Since these Spiritualists are already registered as a religious body, does this mean that Mr Fleming has evaluated the revelatory messages that they have obtained from the dead pets and relatives of their adherents, and determined that they must be taken in all seriousness? I posit that it is not the role of Mr Fleming to either endorse, or else single out for opprobrium and ignominy, the views of any religious group as to what is considered a serious divine revelation.
- C. Mr Fleming has quoted previous statements of mine from some years ago, to the effect that I was "*not interested in solemnising marriages*". I believe that I am entitled to change my mind on this issue, and I see no legislative basis on which Mr Fleming can reject my application because I have changed my mind.
- D. Mr Fleming refers to decisions of the Workplace Relations Commission (WRC) in relation to other entirely separate bodies, as being "*of relevance to the current application*". There has been no decision whatsoever by the WRC in relation to my Reformed Congregationalist Church. It is not fair or reasonable for Mr Fleming to judge my current application, based on decisions about other entirely different and separate bodies. In fact, my current application to the Civil Registration Service in relation to my Reformed Congregationalist Church, differs from a previous body that the WRC expressed concerns about, in that my current Reformed Congregationalist Church has remedied and clarified all of the issues that the WRC referred to. I accept as a general principle that Mr Fleming is entitled to refer to the decisions of other statutory bodies about specific groups that submit applications to the Civil Registration Service. For example, Mr Fleming might consider reports about the Roman Catholic Church that have been produced according to the Commissions of Investigation Act, 2004<sup>13</sup>.

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<sup>9</sup> <https://dublinbuddhistcentre.org/buddhism/>

<sup>10</sup> [https://www.catholicbishops.ie/wp-content/uploads/images/stories/cco\\_publications/researchanddevelopment/evs\\_4th\\_wave\\_report.pdf](https://www.catholicbishops.ie/wp-content/uploads/images/stories/cco_publications/researchanddevelopment/evs_4th_wave_report.pdf)

<sup>11</sup> <https://directionforourtimes.myshopify.com/pages/about-us>

<sup>12</sup> [http://spiritualistunion.com/?page\\_id=234](http://spiritualistunion.com/?page_id=234)

<sup>13</sup> <http://www.justice.ie/en/JELR/Pages/PB09000504>

However, in considering my application with respect to my Reformed Congregationalist Church, Mr Fleming should only consider statutory decisions that relate to my Reformed Congregationalist Church, of which there are none. Other decisions that relate to other bodies, which are not related to my application, should not be considered in any way relevant to my application.

- E. Mr Fleming writes that my current application was refused because membership of my Reformed Congregationalist Church, *"does not constitute a genuinely held belief"*. However, the Civil Registration Act does not refer in any way to religious beliefs. There is no legislative basis on which Mr Fleming is entitled to take any view whatsoever about the content of my religious beliefs, and in fact there is no legislative basis for the content of my beliefs to have any bearing whatsoever on my application. The only consideration of Mr Fleming should be as to whether the members of my group *"meet regularly for common religious worship"*. What the specific religious beliefs of those members are as they worship, should be not be a concern of Mr Fleming. In fact, while my application does indicate that my Church meets regularly for common religious worship, it does not state what the content of our religious beliefs is. Mr Fleming does not know what our religious beliefs are, and he has never demonstrated any interest in finding out. As per Article 2(I) of our Constitution, while this document describes the rules and regulations through which various processes within our Church are to be governed, it does not attempt to describe the beliefs of the members. As such, this statement made by Mr Fleming as to the nature of my religious beliefs, is clearly prejudiced and defamatory.
- F. In your email to me of 20th August 2019, you referred to the *"Gospel of the Flying Spaghetti Monster"*. This book is not in any way related to my Reformed Congregationalist Church and it was not included in my application. In fact, according to Article 3(F) of our Constitution, any member of my Reformed Congregationalist Church using or promoting this book, must be immediately expelled. The contents of this book should not be used in any way to consider my application.

I'll look forward to hearing your views as to the process by which Mr Fleming has processed my application. While I don't believe that the content of my religious beliefs should be at issue with respect to my application, if you are interested I will be happy to provide a full explanation of those beliefs. If the content of my religious beliefs is to be considered a pertinent issue, I would also like to understand how many other applications to the Civil Registration Service have involved an interrogation of the religious beliefs held by the adherents of those groups.

Praise be His noodly appendages.

Yours Sincerely,

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John Hamill.