



2nd March 2023

**Attn:** Mr Micheál Martin T.D.  
Department of Foreign Affairs and Defence,  
Iveagh House,  
80 St Stephen's Green,  
Dublin 2,  
D02 VY53.

### **Re: Religious Discrimination in Military Chaplaincy**

Dear Mr Martin,

I refer to Adjudication Reference ADJ-00031432 from the Workplace Relations Commission, which has decided that your Department unlawfully discriminated against me because I am an atheist, contrary to the Employment Equality Acts 1998-2021. On behalf of your Department, the Chief State Solicitor's Office briefed a barrister to make the three arguments below during the Hearing, each of which were rejected by the recently published Adjudication.

#### **1. Catholic Majority**

Evidence was presented on behalf of the Department of Defence in relation to the religious breakdown of their members. A large majority of our Defence Forces have described themselves as Roman Catholic, although it is unclear whether this means that they currently practice the faith or merely that they were baptised as a baby. Around 5% of our Defence Forces have described themselves as non-religious and roughly 1% have associated themselves with another Christian denomination. Your Department argued that this religious breakdown justifies your appointment of 15 Roman Catholic chaplains and 1 Church of Ireland chaplain.

It is not open to the Department of Defence to make appointments to publicly-funded roles by sectarian headcount. Since the military

chaplaincy service is for members of the Defence Forces from all faiths and none, positions within that chaplaincy should be appointed to the best candidate for the job from applicants of all faiths and none. Moreover, even by their own measure, the process implemented by your Department was discriminatory. While your figures suggest that there should be a non-religious chaplain before a Church of Ireland chaplain, your unlawful recruitment process in fact excluded all atheist and minority faith applicants by design.

## **2. Force Multiplier**

The Hearing also heard from a Catholic priest currently serving as a chaplain within our Defence Forces, who described himself as a “*force multiplier*”. The suggestion was that our Defence Forces become more effective while deployed, when a chaplain is available to engage with local communities. Evidence in this regard was also provided by a serving Captain within our Defence Forces, who described the process of moving armour through a village while deployed in Lebanon. Situations were described whereby such movement of armour may be safer for our soldiers if agreement is secured in advance from the local representative of Hezbollah. Chaplains were described as being key to such “*force protection*” activities. I was astonished to be told that current recruitment processes within our Defence Forces insist on Christian chaplains to the exclusion of atheist and minority faith applicants, because this reflects the preferences of Hezbollah.

The serving Defence Forces chaplain who gave evidence also reported that he had worked with humanist military chaplains from other nations on the same deployments in Lebanon. He accepted that with respect to all aspects of the chaplain’s responsibilities, whether acting in a “*force protection*” role or otherwise, the atheist and minority faith chaplains were every bit as effective as the Christian chaplains. Moreover, the serving Captain within our Defence Forces also accepted that he had no reason to believe a Christian chaplain would provide better “*force protection*” than an atheist or minority faith chaplain. That is, the witnesses called by the Department of Defence were unable to agree with the argument offered by your Department, that Christianity was “*an occupational qualification*” for a military chaplain.

## **3. Required Services**

The final argument offered by the Department of Defence was that chaplains must be Christian, because Christians have an obligation to attend weekly services. Of course, you will be aware that similar

obligations exist within many minority faiths too. However, there was no explanation as to why the Department of Defence must studiously adhere to Christian obligations while insisting that all others must be ignored.

Moreover, atheists also very often describe requirements to have counsel from someone of like mind, and I provided evidence of such requirements from Irish atheists who have served in the military. There is absolutely no basis for the Department of Defence to studiously honour the requirements described by Christians, while insisting that the requirements described by atheists and those of minority faith in our military must be ignored. Privileging the requirements perceived by Christians to the exclusion of the requirements perceived by atheists, is not an argument that the Christianity of a chaplain is "*an occupational qualification*" of the position. This is an argument that Christianity is superior to atheism and that the Department of Defence should attend to the requirements of Christians, while ignoring the requirements of atheists and those of minority faiths.

The unlawful religious discrimination against me that your Department has been responsible for, has been utterly appalling. The arguments that your Department has made in order to defend their sectarian prejudice, have added insult to injury. Consistent with the order of the Workplace Relations Commission, I would be grateful if you could now answer the following direct questions for me:

1. Will you offer a public apology to all members of the Irish Defence Forces for the religious discrimination within their Support Services that your Department first insisted upon, then sought to defend? Will you offer a particular apology to the atheist and minority faith members of our Defence Forces who have been directly harmed by this unlawful behaviour?
2. Will you ensure that cabinet begins the process of changing the Defence Forces Regulations so that in future, military chaplaincy roles are awarded to the best candidate for the job and not merely the candidate preferred by a given bishop? Will you seek to ensure that no more atheist and minority faith citizens of Ireland are again the victims of such unlawful religious discrimination in the appointment of State-funded positions?

I have been raising these issues with your Department since 2018, but unfortunately I have yet to receive any meaningful response to literally dozens of letters on the subject. I note that during the same period, Roman

Catholic bishops have had no such difficulty in receiving prompt responses from your Department when they have sought to have priests appointed to State-funded military chaplain roles, without advertisement or tender. This includes personal letters to Roman Catholic bishops from your predecessor as Minister for Defence.

Now that the behaviour of your Department in this regard has been found to constitute unlawful religious discrimination against me, perhaps it might be possible for you to answer my questions? Notwithstanding the refusal of your predecessor to engage with me in any way on this subject, I'm hopeful that you will be able to manage a person reply to a letter from a mere citizen like myself, even if I am not a Roman Catholic bishop.

Yours Sincerely,



A handwritten signature in black ink, appearing to read "John Hamill". A horizontal line is drawn underneath the signature.

John Hamill.