EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

ENG - 2016/1

Application Form

About this application form

This form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the "Notes for filling in the application form". Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) requires that a concise statement of facts, complaints and information about compliance with the admissibility criteria MUST be on the relevant parts of the application form itself. The completed form should enable the Court to determine the nature and scope of the application without recourse to any other submissions.

Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

A. The applicant

A.1. Individual

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to section A.2.

1. Surname
Allman

2. First name(s)
John William

3. Date of birth
0 7 0 5 1 9 5 3 e.g. 31/12/1960
D D M M Y Y Y Y

4. Place of birth
Northampton, England

5. Nationality
British

6. Address
70 Wimpole Street
Marylebone
London
W1G 8AX

7. Telephone (including international dialling code)
+44 7720 842242

8. Email (if any)
John_W_Allman@hotmail.com

9. Sex (●) male ( ) female

A.2. Organisation

This section should only be filled in where the applicant is a company, NGO, association or other legal entity. In this case, please also fill in section D.1.

10. Name

11. Identification number (if any)

12. Date of registration or incorporation (if any)
D D M M Y Y Y Y e.g. 27/09/2012

13. Activity

14. Registered address

15. Telephone (including international dialling code)

16. Email

B. State(s) against which the application is directed

17. Tick the name(s) of the State(s) against which the application is directed

- [ ] ALB - Albania
- [ ] AND - Andorra
- [ ] ARM - Armenia
- [ ] AUT - Austria
- [ ] AZE - Azerbaijan
- [ ] BEL - Belgium
- [ ] BGR - Bulgaria
- [ ] BIH - Bosnia and Herzegovina
- [ ] CHE - Switzerland
- [ ] CYP - Cyprus
- [ ] CZE - Czech Republic
- [ ] DEU - Germany
- [ ] DNK - Denmark
- [ ] ESP - Spain
- [ ] EST - Estonia
- [ ] FIN - Finland
- [ ] FRA - France
- [x] GBR - United Kingdom
- [ ] GEO - Georgia
- [ ] GRC - Greece
- [ ] HRV - Croatia
- [ ] HUN - Hungary
- [ ] IRL - Ireland
- [ ] ISL - Iceland
- [ ] ITA - Italy
- [ ] LIE - Liechtenstein
- [ ] LTU - Lithuania
- [ ] LUX - Luxembourg
- [ ] LVA - Latvia
- [ ] MCO - Monaco
- [ ] MDA - Republic of Moldova
- [ ] MKD - "The former Yugoslav Republic of Macedonia"
- [ ] MLT - Malta
- [ ] MNE - Montenegro
- [ ] NLD - Netherlands
- [ ] NOR - Norway
- [ ] POL - Poland
- [ ] PRT - Portugal
- [ ] ROU - Romania
- [ ] RUS - Russian Federation
- [ ] SMR - San Marino
- [ ] SRB - Serbia
- [ ] SVK - Slovak Republic
- [ ] SVN - Slovenia
- [ ] SWE - Sweden
- [ ] TUR - Turkey
- [ ] UKR - Ukraine

C. Representative(s) of the individual applicant

An individual applicant does not have to be represented by a lawyer at this stage. If the applicant is not represented please go to section E.

Where the application is lodged on behalf of an individual applicant by a non-lawyer (e.g. a relative, friend or guardian), the non-lawyer must fill in section C.1; if it is lodged by a lawyer, the lawyer must fill in section C.2. In both situations section C.3 must be completed.

C.1. Non-lawyer

18. Capacity/relationship/function

19. Surname

20. First name(s)

21. Nationality

22. Address

23. Telephone (including international dialling code)

24. Fax

25. Email

C.2. Lawyer

26. Surname

27. First name(s)

28. Nationality

29. Address

30. Telephone (including international dialling code)

31. Fax

32. Email

C.3. Authority

The applicant must authorise any representative to act on his or her behalf by signing the first box below; the designated representative must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated above to represent me in the proceedings before the European Court of Human Rights concerning my application lodged under Article 34 of the Convention.

33. Signature of applicant

34. Date

D D M M Y Y Y Y e.g. 27/09/2015

I hereby agree to represent the applicant in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

35. Signature of representative

36. Date

D D M M Y Y Y Y e.g. 27/09/2015

D. Representative(s) of the applicant organisation

Where the applicant is an organisation, it must be represented before the Court by a person entitled to act on its behalf and in its name (e.g. a duly authorised director or official). The details of the representative must be set out in section D.1.

If the representative instructs a lawyer to plead on behalf of the organisation, both D.2 and D.3 must be completed.

D.1. Organisation official

37. Capacity/relationship/function (please provide proof)

38. Surname

39. First name(s)

40. Nationality

41. Address

42. Telephone (including international dialling code)

43. Fax

44. Email

D.2. Lawyer

45. Surname

46. First name(s)

47. Nationality

48. Address

49. Telephone (including international dialling code)

50. Fax

51. Email

D.3. Authority

The representative of the applicant organisation must authorise any lawyer to act on its behalf by signing the first box below; the lawyer must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated in section D.2 above to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

52. Signature of organisation official

53. Date

D D M M Y Y Y Y e.g. 27/09/2015

I hereby agree to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

54. Signature of lawyer

55. Date

D D M M Y Y Y Y e.g. 27/09/2015

Subject matter of the application

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the six-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E, F and G). It is not acceptable to leave these sections blank or simply to refer to attached sheets. See Rule 47 § 2 and the Practice Direction on the Institution of proceedings as well as the "Notes for filling in the application form".

E. Statement of the facts

56.

1. My name is John William Allman. My date of birth was 7th May 1953. I worked for the majority of my career in software development. I am now retired.

2. I was widowed on 26th May 2006. I have four grown-up children born, from 1976 to 1986, and eight grandchildren. My fifth child Noah Cornelius David Allman (S), my second son, was born on 27th May 2010, out of wedlock, to a woman Amanda Denise Palmer (M) whom I had met in 2009, and whom I then expected to marry soon after the birth.

3. Between our discovering that M was pregnant, and S's first birthday, S was referred to social services on five occasions, because the police, the community midwife, and a consultant psychiatrist all had safeguarding concerns because of M's apparent mental health issues.

4. In 2010, because of M's characteristic sense of being conspired against, M and I made a subject access request of Cornwall Council for the social work records of S. When these arrived, they were so heavily redacted that we complained to the Information Commissioner's Office. That complaint was upheld in the ICO's adjudication, but Cornwall Council still refused to release the redacted information, so M and I sued together for an injunction compelling release of the information that had been redacted. Cornwall defended that claim.

5. In late 2012 and early 2013, M began to become paranoid about me, believing that I was stalking her, along with all the unknown stalkers whom (I had come to realise) she had been imagining.

6. By then I realised that I had been wrong to father S, but still wanted S to have the benefit of married parents if possible. Failing that, at least of shared parenting.

7. On Easter Sunday 31st March 2013, the children's worker at the church informed me that M had knocked on her door the previous Maundy Thursday evening, 28th March, in an emotional state. The children's worker warned me to "watch my back", because (she predicted) M would soon be making a false allegation against me of some sort of child abuse, as pretext for stopping contact between S and me. (I was never given the opportunity to explain this background.)

8. On Wednesday 3rd April 2013, M did not bring S to the town square for the hand-over, as per the written agreement M and I had (on M's recent insistence) as to which parent should care for S when during each week. M's solicitor and I spoke on the telephone in the afternoon, confirming that M had stopped all contact between S and me until further notice. I telephoned the health visitor, who advised me to make a referral of S to social services myself. I did so that afternoon, expressing concerns that S was being abused, in part by being coached to make a false allegation against me.

9. The facts upon which my claim in A v Cornwall really hang begin at this point. I referred S to social services on 3rd April 2013, expressing serious safeguarding concerns, and asking social services to contact me, to discuss what could be done to make S safe. I was allowed no meaningful contact with social services until 23rd May. By that time, social service had already decided that S should never see me, his father, again. I say that this violated the English Common Law principle of Natural Justice, audi alteram partem. (My barrister will expand on the significance of this in terms of the Convention.)

10. The detailed written evidence in the trial bundle proved that there ensued a completely one-sided investigation on the part of social services, which the trial judge agreed had been unfair.

11. By the meeting of 23rd May 2013, my first opportunity to discuss my concerns with the social worker, social services had already decided that the smacking allegation was true. Every effort should be made to ensure that S never saw me again, but not because the finding of fact, before the meeting, that I had smacked my son presented an "insurmountable obstacle", but rather because of "concerns" about my "parenting style", based upon my "beliefs", which had been inferred by reading my blog, http://JohnAllman.UK (q.v.). (I am morally opposed to abortion and to homosexual behaviour.)

Statement of the facts (continued)

57.

12. Before my first meeting with the social worker following my referral of my son, on 23rd May 2013, the social worker communicated this situation to M in emails that were in evidence at trial of my eventual claim. At the meeting, in express words ("we think you did it", "on the balance of probabilities", "not insurmountable", "concerns about your parenting style", "because of your beliefs") the social worker explained her decisions, already taken before the meeting. She then questioned me about blog posts of mine against abortion and against homosexual behaviour, including same sex marriage. My beliefs seems to be all that she wanted to talk about at that meeting. His lordship found at trial, almost four years later, that there had been a theoretical possibility that, had I responded to this inquisition differently, the social [worker] might have relented. To this day, I do not believe that there is anything that I could have said at the meeting that was likely to have changed the social worker's already made-up mind, more effective than what I did say. (See final paragraph.)

13. During the agonising period between 3rd April and 23rd May 2013, I had started private family proceedings, but the first directions appointment wasn't until 29th May 2013, six days after the meeting at which I realised I had accrued a human rights claim against the council by the end of the meeting. At this time, Cornwall was still the defendant in a claim under section 7 of the Data Protection Act brought jointly by myself and M, for subject access to the social work records.

14. The social work undertaken between 3rd April and 23rd May breached my human rights. The social work was one-sided and unfair. I was unjustifiably interrogated about my beliefs against abortion and homosexuality. The council breached the Public Sector Equality Duty to have due regard to the needs to foster good relations between men and women, a need that is especially pressing when the man and the woman concerned are the parents of the same child, or between those with and without other protected characteristics, such as my own non-negotiable and strong moral beliefs against abortion and homosexuality.

15. The defendant produced the Welfare Report for the family proceedings, rather than declaring that it could not lawfully do this because of its conflict of interest, as both defendant of both parents in Data Protection Act proceedings, and supposedly neutral expert witness in the family proceedings. The defendant also exploited its position as the authority mandated to produce the Welfare Report, in order to gain advantage in the defended Data Protection Act proceedings. This is evidenced by emails disclosed in A v Cornwall that were in the trial bundle in the High Court.

16. During the few weeks following the meeting on 23rd May 2013 at which I first realised that a human rights claim had accrued to me, I made several written complaints to the defendant about its treatment of me, which I said was different from the treatment that would have been given to the appropriate comparator, and less favourable. I said I had been treated differently because of my beliefs, as reflected in the contents of my blog. Despite having a statutory complaints procedure in place, the defendant did not address my complaints using that complaints procedure, but rather ignored my complaints, except for one, which (the defendant told me via email) it had forwarded to i[t]s legal department. The correct and advertised procedure would have been to forward all of my complaints to the defendant's Complaints Manager.

16. To whatever extent the trial judge in A v Cornwall exonerated the defendant, because (it emerged at trial) it had conducted a one-sided social work investigation at the request of the police, I say that in the ECtHR, my complaint is against the high contracting party itself, the United Kingdom, which is responsible for the roles of both the council and the police in the facts of April thru June 2013. The UK is not exonerated in the matter of procedural impropriety, even if the council was in the High Court, merely because the police had told the council to behave as it did.

17. Specific questions that I was asked at the meeting were as follows:

(a) How I would react if my son, when he was 14, told me that he was gay and had a boyfriend, and I was violently opposed to this? I relied not to be daft, silly or ridiculous (I forget the exact word I used), as to ask such an irrelevant question, because my son was only two.

(b) If one of my three grown-up daughters told me that she had had an abortion, how would I feel? I replied that I would feel devastated. The social worker asked why. I said because the child killed in that abortion would be my son or grandson, and my own daughter would have been complicit in that homicide.

Statement of the facts (continued)

58.

(There is a longer statement of the facts, which amplifies this statement of the facts, included as the most recent, and therefore the first, additional document accompanying this form.)

F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments

59. Article invoked	Explanation
Articles 8+9 read together with Article 14	I have been deprived of access to my son, in large part because of a damaging social work enquiry undertaken by the Cornwall Council. The actions of the Council violated my Convention rights in a four-fold manner: (a) Their assessment was largely done out of animus towards my moral and Christian views; (b) their assessment was done concurrently to a prolonged legal battle I had with the same Council making any appearance of impartiality illusory; (c) the actions of the Council breached their Public Sector Equality Duty in maintaining good relations among and between protected characteristics, including between men and women; (d) The actions of the Council were found in the English High Court to have been unfair. The social work was one-sided, biased in favour the mother so completely that the enquiry benefited from almost no input from myself at all. I believe that the Council undoubtedly acted against my son's best interests. These arguments are set out in full in the annexed memorandum.
Article 6	The Cornwall Council, and by extension the Respondent State, have breached my article 6 rights with regard to their obligations of independence and impartiality. After issuing my claim, A v Cornwall, I defeated two strike-out applications of my claim that were based upon the contention that the facts pleaded did not disclose a breach. In the High Court, I proved, essentially, all the facts which I had pleaded were all the facts which I needed to prove, in order prove a breach of my Convention rights. It may readily be seen from the pleadings in A v Cornwall, the judgment of the High Court, the appeal bundle that I submitted to the Court of Appeal, and the response of the Lord Justice denying me permission to appeal, that I have never been given a comprehensible explanation as to why, having proven the main facts I pleaded, in a claim that wasn't struck out because those facts disclosed no breaches, I could have failed to have proved a breach of my Convention rights.

Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments (continued)

60. Article invoked	Explanation

- Please ensure that the information you include here does not exceed the pages allotted -

G. Compliance with admisibility criteria laid down in Article 35 § 1 of the Convention

For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the six-month time-limit.

61. Complaint	Information about remedies used and the date of the final decision
The unlawfulness of the manner in which the social work was performed following my referral of my son to Cornwall Council with safeguarding concerns	The claim that became A v Cornwall, issued in 2014. I pleaded that my rights had been breached, and therefore implicitly for at minimum a finding that this was so. I also pleaded for remedies as follows: 13. I am bringing this Claim under the Human Rights Act 1998 section 7(1)(a), seeking such reliefs and remedies as the court considers "just and appropriate" pursuant to HRA s8(1). In order to provide to me, a person with the necessary Convention and HRA victim status, with just satisfaction, I wish these reliefs and/or remedies to include financial compensation in the sum of £10,000. 14. Insofar as the council proves that statute obliged certain of its conduct that is found nevertheless to have been incompatible with my Convention rights, i.e. that HRA s6(2)(a) or s6(2)(b) applies, then I seek any necessary Declarations of Incompatibility, pursuant to HRA s4. The claim reference was A88YJ875. The trial was held over three days, from 6th to the 8th March 2017. Judgment was handed down on Friday 28th April 2017. The order of the Court of Appeal refusing permission to appeal was sealed on 14th September 2017. The appeal reference was A2/2O17/1574/PTA. CPR 52.5 and section 54(4) of the Access to Justice Act 1999 prohibit appeal to the Supreme Court against a refusal, on the papers, in the Court of Appeal, of permission to appeal against a judgment in the High Court. It follows that my routes to a domestic remedy became exhausted on my receipt of the order refusing me permission to appeal, on Saturday 16th September 2017.

62. Is or was there an appeal or remedy available to you which you have not used?

- ○ Yes
- ◉ No

63. If you answered Yes above, please state which appeal or remedy you have not used and explain why not

H. Information concerning other international proceedings (if any)

64. Have you raised any of these complaints in another procedure of international investigation or settlement?

- ○ Yes
- ◉ No

65. If you answered Yes above, please give a concise summary of the procedure (complaints submitted, name of the international body and date and nature of any decisions given).

66. Do you (the applicant) currently have, or have you previously had, any other applications before the Court?

- ◉ Yes
- ○ No

67. If you answered Yes above, please write the relevant application number(s) in the box below.

Unknown

I. List of accompanying documents

You should enclose full and legible copies of all documents. No documents will be returned to you. It is thus in your interests to submit copies, not originals. You MUST:

- arrange the documents in order by date and by procedure;
- number the pages consecutively; and
- NOT staple, bind or tape the documents.

68. In the box below, please list the documents in chronological order with a concise description. Indicate the page number at which each document may be found.

1.	A more detailed statement of the facts	p.	(E-)* 1 - 9
2.	The order of 14th March 2017 refusing permission to appeal in A v Cornwall	p.	10 - 11
3.	Appeal grounds in A v Cornwall	p.	12 - 20
4.	Appeal skeleton argument in A v Cornwall	p.	21 - 44
5.	Appellant's supplementary bundle in A v Cornwall appeal including claimant's (applicant's) skeleton argument at trial	p.	45 - 68
6.	Judgment in A v Cornwall	p.	69 - 88
7.	Pleadings in A v Cornwall - final Amended Particulars of Claim (showing differences from original Particulars of Claim in red), Amended Defence, Amended Reply to Defence with original Reply to Defence annexed and original Defence	p.	89 - 126
8.	The Gay Revolutionary (also called The Homosexual Manifesto) - a 1987 essay by M Swift which I parodied in 2013	p.	127 - 128
9.	Blog posts on my JohnAllman.UK blog, which were made during or before the relevant period, potentially prompting the complained-of discrimination against me on the grounds of my Christian moral beliefs	p.	129 - 233
10.		p.	
11.		p.	
12.		p.	
13.		p.	
14.		p.	
15.		p.	
16.		p.	
17.		p.	
18.		p.	
19.		p.	
20.		p.	
21.		p.	
22.		p.	
23.		p.	
24.		p.	
25.		p.	

Any other comments

Do you have any other comments about your application?

69. Comments

* The page numbers that are referred to at question 68 above are prefixed with "E-" on the documents themselves, to distinguish these from any other page numbers on the documents.

Declaration and signature

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

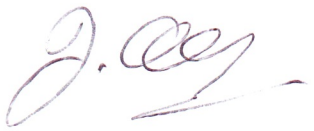
70. Date

1	3	0	3	2	0	1	8
D	D	M	M	Y	Y	Y	Y

e.g. 27 09 2015

The applicant(s) or the applicant's representative(s) must sign in the box below.

71. Signature(s) (●) Applicant(s) ( ) Representative(s) - tick as appropriate



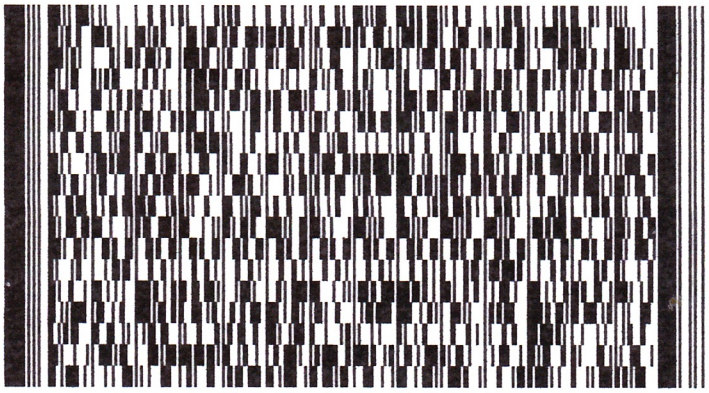
Confirmation of correspondent

If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond. Where the applicant is represented, the Court will correspond only with the representative (lawyer or non-lawyer).

72. Name and address of ( ) Applicant ( ) Representative - tick as appropriate

The completed application form should be signed and sent by post to:

The Registrar
European Court of Human Rights
Council of Europe
67075 STRASBOURG CEDEX
FRANCE



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John Allman v. the United Kingdom

Statement of Violations

I. Introduction

1. The Applicant's complaint concerns the unlawful manner in which the respondent High Contracting Party's public authorities conducted social work, in 2013. The effect which the social work inflicted was the avoidable exclusion of the applicant from any meaningful role in the day-to-day upbringing of the youngest of his four offspring, from 3rd April 2103 to the present day, and for the foreseeable future absent remedial action.

2. The 1959 UN Declaration on the Rights of the Child, Principle 6, declares:

> **The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security …**

Both parents. Every child. Wherever possible. That is the gold standard set out in Principle 6, for the raising of a child. It is every child's right to grow up under the care and responsibility of his or her natural parents, plural, *both* of them, *except* where it is not *possible* for a *particular* child to have that best possible upbringing.

3. Incontrovertible evidence came to light, in domestic proceedings brought by John Allman that became known as *A v Cornwall Council*, of a certain admitted policy of the social services department's manager, to whom the relevant social worker reported. In cases where there were two parents estranged from one another, one of whom wanted to exclude the other altogether from parenting of the child they had had when together, the council's policy was to begin from the premise that in such cases, shared parenting, the gold standard of Principle 6, was bound to be *impossible*, and therefore the *only* task for social services was to decided *which* of the two estranged parents would have *sole* care of the child.

4. There is a fallacy behind this thinking. Empowerment of the mother (in this case, more generally the possessive or belligerent parent) and disempowerment of the father (i.e. the peaceable parent, who wanted parenting to be shared) would be bound to result in the exclusion of the peaceable parent. However, there was every chance that an alternative never even considered, namely empowerment of the father and

disempowerment of the mother, would not have resulted in the exclusion of the *mother*. That is because all the motivation that the child should have only one parent involved in his upbringing, was on the mother's side, none of it on the father's side. The council never bothered to find out if that was the situation. We now know it never does.

5. This assymetry, where one parent is belligerent and the other peaceable, is, unfortunately, not a rare situation in the UK. Complaints that social workers do not even try to resolve such conflicts in a such positive way, which honours Principle 6, are legion. Such complaints, for example, led to the formation of the registered charity Families Need Fathers, over forty years ago.

6. It is a premise of this application, that the Convention demands *exactly* the same diligence in social work that may lead to the state procuring the exclusion of one of a child's two natural parents from that child's upbringing, as is required in social work that may lead to the institution of care proceedings. Indeed, these are not two separate types of social work at all. They are simply two different possble outcomes of many, at the end of social work tasks that begin in exactly the same way, with the outcome necessarily unforseeable at the outset, if the social work is to be fair and impartial.

7. It follows that legal precedents in the EctHR that relate to care proceedings (depriving a child of both natural parents, or the second of two), are capable of informing the court of the correct approach to use in this case, which involves the state participating in depriving a child of only one of his two natural parents, leaving him to be cared for by the other.

8. On 31st March 2013, John Allman was warned to expect the mentally ill mother of his son to set out to begin preventing all contact between father and son, by making a false accusation against him. On 3rd April 2013 (and every day since that day) that prediction was fulfilled. At all subsequent times, the UK state has at least acquiesced in this prevention of contact between father and son. To some extent, the UK state has promoted this, even to the extent of putting pressure, from time to time, upon the mother to continue in this prevention of contact, on peril of care proceedings, of which she has long been terrified. It has even misled the mother and others to the effect thatt the mother is not allowed to allow the child contact with the father, even if she wants to, and that others must seek to prevent any such contact.

9. Admittedly, in 2014, a family court eventually found, on the balance of probabilities, that Mr Allman had smacked his son, leaving a mark. However, the UK state itself is vicariously responsible for the affect of the testimony, in the UK's own family court, of an expert witness it employed, a social worker, whose conduct in 2013, long before she procured this outcome with her testimony, had already been impugned as incompatible with the Convention rights of Mr Allman. Furthermore, it has always been common ground between Mr Allman and the public authority he sued, Cornwall Council, that this allegation of child abuse, vehemently denied but eventual believed by the family court (as at least 51% likely to be true based on what the expert witness told the court), wasn't an "insurmountable obstactle" to Mr Allman's son having both parents in his life, as per Principle 6.

10. When the mother of Mr Allman's son started breaking the written agreement, which she had insisted on formalising in writing using the services of a solicitor, the agreement that governed when Mr Allman should care for his son, Mr Allman became worried about his son's welfare and safety. Under United Kingdom law, he has had parental responsibility for his son since the birth was registered, a few days after the birth in 2010. But the actions of the child's mother, culminating in the complete ending of all contact with effect from 3rd April 2013, now prevented him from exercising that parental responsibility. So he contacted social services on 3rd April 2013, making urgently what was the sixth safeguarding referral of his son. It was Mr Allman's only referral of the boy, the earlier referrals all having been made by professionals who had expressed concerns about the impact of the mother's poor mental health upon the child.

11. In that referral, Mr Allman expressed grave concerns for the safety and welfare of his son. He was trying to get help from the state with a problem that he realised he could not solve on his own. He *invited* the state to interfere in his private and family life.

12. His expectation, in making the referral he did, was wise, skilled, compassionate and *lawful* intervention on the part of the British state. Intervention, that is, which was informed by the aforesaid Principle 6, his own Convention rights and those of his son (and, indeed, those of his son's mother), the statutory Public Sector Equality Duty (including the duty to have due regard to the need to foster good relations between men and women - a need that is especially pressing when a particular man and woman in question are the two parents of a particular child), and the two rules of Natural

Justice of English Common Law: *Nemo Judex in Causa Sua* and *Audi Alteram Partem*.

13. What actually happened in the aftermath of that referral of 3rd April 2013 was that nobody at all from the British state observed Mr Allman caring for his son, in order to reach informed conclusions about his parenting style. In fact, nobody even met Mr Allman to debrief him about his safeguarding concerns that had led to his making the referral.

14. There has been some attempt, to some extent successful in the English High Court, to deflect the blame for this omission from the council, the public authority Mr Allman eventually sued, towards the police force whom Mr Allman did not think to sue as joint defendant with the council. The police were found to have told the council to make this omission. It is not clear on what legal basis the council might not have been at liberty to disobey the police, and to have obeyed the Convention instead. In any case, in the EctHR, the passing of the buck from one public authority to another like this, does not deflect blame from the high contracting party as a whole, which remains vicariously responsible for both the council and the police, and indeed for the UK courts, which have failed to render this omission judiciable to date, without explaining adequately why this omission appears not to be judiciable.

15. It is clear from the judgment of Dingemans J that before 23rd May 2013, a police officer had read the blog of Mr Allman, http://JohnAllman.UK, in which he expressed strong beliefs about abortion and homosexuality. The police officer suggested the social worker read it too. (The two women work in the same building.) This reading of the blog by both pubic authorities clearly played the major part in procuring the disastrous early social work decisions that led to the present *status quo*.

16. The social worker had already made, before the meeting of 23rd May 2013, a finding of fact ("on the balance of probabilities") that Mr Allman had smacked his son. This finding was made without ever discussing the allegation with Mr Allman. However, the social worker did not consider this alleged smacking incident to be an "insurmountable obstacle" to her deciding that it would be impossible for the child to have a normal, Principle 6 upbringing, one delivered by *both* of his natural parents.

17. Before 23rd May 2013, the social worker had also already decided that the child should live solely with his mother, *and have no direct contact at all with his father*.

She had communicated that decision to the mother in an email (quoted in the High Court judgment) and boasted in that email that she could usually get the family courts to decide whatever she herself had already decided. All this without even meeting once with Mr Allman himself, to hear his side of the story.

18. On 23rd May 2013, the social worker was finally willing to meet with Mr Allman, the police by then having decided that there wasn't evidence enough to charge Mr Allman with any criminal offence.

19. At the meeting of 23rd May 2013, Mr Allman insists that he was *still* not given an adequate opportunity to express his concerns for his son's safety in the light of his mother's mental illness, which Mr Allman considered had become a lot worse lately. There was no discussion of reuniting father and son. Instead, the High Court found, Mr Allman was interrogated about his beliefs, as expressed on his blog. These (it was implied) presented an obstacle to his son having a Principle 6 upbringing that *was* insurmountable, unlike the accusation of smacking that *had not* been insurmountable.

20. The council more-or-less ignored Mr Allman's subsequent written complaints about his interrogation about his beliefs at the meeting of 23rd May, despite having a "statutory" complaints procedure that it was *obliged by statute* to deploy whenever a complaint of this nature was made, and *however* the complaint was made.

21. The council, soon after, had no qualms about producing a Welfare Report under section 7 of the Children Act, to inform the private family law proceedings brought by Mr Allman in a family court. This notwithstanding that, at the time, the council was still the defendant of both parents in the County Court, where the parents were seeking an injunction compelling subject access to the family's social work records under the Data Protection Act (DPA) section 7. And also notwithstanding that Mr Allman had made more than one complaint against the council that had yet to be investigated. The council produced that Welfare Report without obtaining any fresh input from Mr Allman, who had requested in writing a further meeting, to clear up errors of fact that the earlier Section 47 report had contained, and misunderstandings brought to light at the meeting of 23rd May.

22. Nor had the council any qualms about exploiting the conflict between the parents, which it ought to have sought to resolve rather than to escalate, in order to gain

advantage in the DPA proceedings. This amounted to a further procedural impropriety. *Nemo judex in causa sua.*

23. Mr Allman's expection, when applying for social work, was that the social work undertaken would be fair (Natural Justice), peace-making (the Public Sector Equality Duty) and non-discriminatory (rather than involving an inquisition into his Christian, moral and political views, expressed on his blog). He expected this because he knew that social work of the type for which he had applied, would be an interference (albeit one that he *wanted*, provided it was done properly) with his Article 8 right *per se*.

24. Such social work, even though he had asked for it, must be "in accordance with the law" (Article 8.2). Mr Allman did not think that he was opening himself up to the risk of one-sided and unfair social work, that only heard one side of the story, broke the Equality Act, and involved, on the grounds of his beliefs, treatment of him that was different from, and worse than, treatment that would have been meted out to somebody with less politically incorrect beleifs, or less *strong* beliefs, than his. He considered that such defects in the social work he received, if they appeared, would ensure that the social work could not be held to have been "in accordance with the law". He therefore did not bargain for these unlawful defects when he humbled himself to apply to the state for helpful and *lawful* interference with his untidy private and family life, in the form of workmanlike social work fit for a good purpose.

II. Victim Status

25. The Court looks at victim status independently from other admissibility criteria such as *locus standi* or exhaustion of domestic remedies.[1] The Applicant meets this criteria by being directly affected by the facts that constitute the interference with he and his son's Article 8 family rights.[2] Additionally to his and his son's right to mutual enjoyment of each other's company, he claims victim status because of Cornwall Council's lack of impartiality in its enquiry. Furthermore, he has retained victim status for the purposes of Article 34 of the Convention, as the national authorities

1 *Sanles Sanles v. Spain* (Dec 48335/99, ECHR 2000-XI; *Gorraiz Lizarraga and Others v. Spain*, No. 62543/00, § 35, ECHR 2004-III; *Tourkiki Enosi Xanthis and Others v. Greece*, no. 26698/05, § 38, 27 March 2008.

2 *Norris v. Ireland*, 26 October 1988, § 31, Series A no. 142; *Open Door and Dublin Well Woman v. Ireland*, 29 October 1992, § 43, Series A no. 246-A; *Otto-Preminger-Institut v. Austria*, 20 September 1994, §§ 39-41, Series A no. 295-A; *Tanrıkulu and Others v. Turkey* (Dec.), No. 40150/98, 6 November 2001. *SARL of the Blotzheim Activity Park v. France*, No. 72377/01, § 20, July 11, 2006.

have at no point acknowledged wrongdoing, either expressly or in substance, and then afforded redress for breaching his Convention rights.[3]

III. Article 8: Unlawful Violation of Right to Family

26. With regard to this Court's jurisprudence, it has been very clear that any removal of a child from one or more of his natural parents is a *de facto* interference with the mutual enjoyment of parents with their children guaranteed by Article 8 of the Convention.[4] This right constitutes a fundamental element of family life.[5] In other words, the state ought not to impede a Principle 6 upbringing for children "wherever possible". It is an interference of a very serious order to separate a family.[6] Such a separation must be supported by sound and weighty considerations in the best interests of the child; as the Court had previously noted that it is not enough that a child would be better off if placed under a care order.[7] The Court requires extreme diligence in resolving custodial takings because of the danger of irreversible harm to the family and the child.[8]

27. In the present case, the state itself has not removed a child from both of his parents, or the only parent looking after the child. However, the state had been asked to help to restore and to uphold a Principle 6 family life for a child in peril of losing that family life, in circumstances that are far from unusual nowadays. Circumstances, that is, in which one parent (more often the mother, but sometimes the father), is seeking, often harmfully, to impose upon the child an upbringing by only one of his or her two parents, often inflicting behaviour calculated to alientate the child from the excluded parent.

28. Alas, more than occasionally, the state connives at this wrong-doing on the part of the parent who wants the child all to herself, for which the informal term parentectomy and the more offical term "parental alienation" have been coined. The criticism of the state has been legion, especially in English-speaking societies like the UK, for the state's historic connivance at parental alienation, regardless of ample scholarly

3 *Scordino v. Italy (no. 1)* [GC], application no. 36813/97, judgment of 29 March 2006, § 180; *Gäfgen v. Germany* [GC], application no. 22978/05, judgment of 01 June 2010, § 115; *Nada v. Switzerland* [GC], application no. 10593/08, judgment of 12 September 2012, § 128.

4 *Olsson v. Sweden (No. 2)*(1992) 17 EHRR 134, [1992} ECHR 13441/87 ECtHR.

5 ECHR, *Elsholz v. Germany*, Decision of 13 July 2000, Report of Judgments and Decisions 2000-VIII, §43.

6 ECHR, *Olsson v. Sweden*, 11 Eur. H.R. Rep. 259, p. 72.

7 *Id.*

8 ECHR, *H. v. the United Kingdom*, Judgment of 8 July 1987, Series A No. 120, pp. 59-63, § 85.

research that has demonstrated that parental alienation is seldom in children's best interests.

29. Too often, it is said, the state intervenes to *support* the alienating parent in her (or his) efforts to exclude the other parent from the family. Occasionally parentectomy may be necessary, when a parent is exceptionally dangerous, but the state's support of parentectomy is always every bit as much an intervention in which the state effectively *takes a child away from a parent*, as the more obvious example of this, when the the state takes public law "care" proceedings to take a child away from the only surviving parent or both parents and to raise the child itself, temporarily or permanently, or to offer the child for adoption without the consent of surviving natural parent or parents.

30. In the present case, there was evidence that the state had to some extent put pressure on the alienating parent to continue and to intensify the aliention, even if she became less minded to continue it as her mental health began to recover, and her paranoid delusional ideation about the Applicant subsided. Be that as it may, for the state to support parentectomy is a draconian intervention that should not be taken any more lightly than taking a child into care. It is an intervention that should be undertaken only after the most careful, and scrupulously fair and impartial, investigation, as a last resort, when all else fails.

31. Although other factors than the suspicion of corporal punishment were predominant in the state's decisions, it is as well to note that smacking *per se*, without regard to an analysis of the severity, the circumstances, age, health and vulnerability of the victim, is <u>not</u> a violation of either Article 3 or Article 8.[9] In fact, only 23 States globally have banned corporal punishment of children entirely, including in the family.[10] That means more than 88 percent of counties globally allow for some form of corporal punishment within the family. If corporal punishment is not a violation, then it is not necessary to remove a child from a parent who uses corporal punishment "for the protection of the rights of others" (i.e. the child's rights) under Article 8.2. The principle of "reasonable chastisement" is not incompatible with either Article 3 or 8 of the Convention.[11] Importantly, Mr. Allman has 4 grown-up children, born between 1976 and 1986, none of whom have ever suggested that they were subjected to

9 ECHR, *Costello-Roberts v. the United Kingdom* judgment of 25 March 1993, Series A no. 247-C, p. 59, § 30.
10 See: Council of Europe, Commissioner for Human Rights, *Children and Corporal Punishment*, CommDH/Issue Paper (2006) 1REV, updated January 2008.

physical abuse. Given the well documented mental instability of "M", and her history of delusional behaviour, balanced against the lack of any previous allegations of abuse against Mr. Allman by his 4 older children, a weighty rebuttable presumption of innocence should have been afforded the Applicant in relation to smacking allegations. More important than this, the accusation should have been put to him, and his denial listened to, and his grown-up children listened to, before the state jumped to the conclusion that accusation was true. *Audi alteram partem.*

32. In any event, the state conceded on 23rd May 2013, that day on which Mr Allman decided he could and should sue Cornwall Council, that the accusation of smacking, which Mr Allman has always denied, did not present an "insurmountable obtacle" to the restoration of direct contact between Mr Allman and son. Rather, the social worker considered something *else* to be an obstacle that apparently *was* insurmountable: namely, "concerns" the social worker said she had about Mr Allman's "parenting style", because of his "beliefs". (Or "views".)

33. In his referral, and in subsequent emails and telephone calls, Mr Allman had begged the council to *observe* his parenting style, something which the council had *refused* to do. When he pointed this out, at the meeting of 23rd May 2013, he was led to conclude that there were concerns about the parenting style he had been *assumed* to have, "because of your beliefs". When immediately he asked, "What beliefs", the social worker had replied that Mr Allman published a blog, and had proceeded to question Mr Allman about what he had published on that blog.

34. For example, the social worker asked Mr Allman how he would react, if, at the age of 14, his son, who was then 2, told him that he was gay, and that he had a boyfriend, and Mr Allman was violently opposed to this. He relied, "He's only 2."

35. The social worker also asked Mr Allman how he would feel, if one of his grown-up daughters told him she had had an abortion. He replied that he would feel "devastated", because the child killed in that abortion would have been his grandson or granddaughter, and his daughter would have been complicit in the homicide concerned.

36. Interference with the right to family, and in particular the separation of children from their parents, can only be justified when three criteria are met concurrently: (a) that

11 *Cf.* ECHR, *Case of Neulinger and Shuruk v. Switzerland* [Grand Chamber], Judgment of 06 July 2010, application no. 41615/07, § 41.

the interference was “in accordance with the law”; (b) that it pursued a legitimate aim and (c) that the action taken was necessary in a democratic society.

(a) **In accordance with the law**

37. There are qualifications of several of the Convention rights, namely the rights of Article 5, 9, 10 and 11, which permit interferences with the exercise of those rights that are “prescribed by law”. The social work undertaken, even though it is now complained of as unfair (contrary to Natural Justice), antagonistic towards the fostering of good relations between men and women (contrary to The Equality Act s149) and discriminatory on the grounds of belief (contrary to Article 14), was possibly prescribed by law, namely the Children Act. For example, it soon became social work expressly pursuant to section 47 of the Children Act, and a Section 47 Report was prepared. But the Children Act does not prescribe the *manner* in which the social work must be done. The manner of social work is governed by *different* laws, including both laws that are older and those more recent than the Children Act, but which are just as binding. In particular, the manner in which social work must be conducted, in order to be “in accordance with the law”, is governed by the Equality Act 2010, the Principles of Natural Justice of English Common Law, and the Human Rights Act 1998, which last-mentioned gives effect in English law to Article 14 of the Convention, the article prohibiting certain discrimination.

38. Uniquely amongst the Articles of the Convention, the qualified right of Article 8 is qualified using different wording from Articles 5, 9, 10 and 11. Instead of any interference merely needing to be “prescribed by law”, the wording used in Article 8.2 refers to any interference needing to be “in accordance with the law”, a much more stringent requirement. The fact that some interference or other with the Article 8 right may have been prescribed by the Children Act, was not sufficient to bring the *particular* interference wrought in Mr Allman's family life, within the scope of the qualification of Article 8.2. For the particular interference actually wrought in this case to have been *in accordance with the law* (as only an Article 8 interference must be), it would have been necessary for the interference to comply with the *whole* of the law, which it clearly didn't.

39. An Article 8 interference is quasi-judicial in character, if (as in the present case) it makes and communicates a finding of fact tantamount to a criminal offence (unsafe

smacking), albeit only on the balance of probabilities, not beyond reasonable doubt, and with the tribunal of fact a social worker, not a court. Social work is also quasi-judicial if it makes life-changing, adverse findings of fact that a parent has a parenting style that is a source of safeguarding concerns so severe that the parent should be excluded altogether from his son or daughter's upbringing.

40. To comply with the with the whole of the law of England, the Article 8 interference (the quasi-judicial social work) should therefore have been conducted with procedural propriety, in accordance with the two Principles of Naural Justice. This social work failed to comply with that aspect of English Common Law. **That is a fact which the English High Court found.** A breach of Mr Allman's convention rights should have been inferred immediately from this finding, that there had been unfairness in the social work. The High Court's judgment fails to explain its failure to make that inference comprehensibly.

41. Further, to be in accordance with law, an Article 8 interference that is the function of a public authority, must comply with the Public Sector Equality Duty, set out in s149 of the Equality Act. That means that the manner of the social work must be such that due regard is had to the need to foster good relations between men and women. The High Court seems to have overlooked completely, in the judgment handed down by Dingemans J, that this was pleaded, argued in Mr Allman's skeleton argument at trial, and addressed in the evidence of the social worker under cross-eaxamination, when she was asked what regard she had had to the need to foster good relations between Mr Allman and the mother of his son, and she had replied to the effect that she had had no such regard, because her function was only governed by the Children Act, (i.e. not at all by the Equality Act), which is plainly a self-misdirection on the social worker's part, and on the part of the judge too, who appears to have missed completely the significance of this exchange in reaching his judgment.

42. This said, because rights other than the Article 8 right are engaged, to which the "prescribed by law" test applies, in the alternative, it is argued that perhaps the social work that was undertaken, wasn't even *prescribed by law* (let alone in accordance with law, the more stringent requirement only applicable in the case of the Article 8. infringement). The ECHR utilises a high level of scrutiny when analyzing interference with fundamental rights such as the protection of family life.[12] In order to be

12 *Cf. Müller v. Switzerland,* 133 Eur. Ct. H.R. (ser. A) at 19 (1988).

prescribed by law, the law in question must be accessible and foreseeable in its effects.[13] It thus cannot suffer from vagueness. The "quality" of the law must clearly and precisely define the conditions and forms of any limitations on basic Convention safeguards and must be free from any arbitrary application.[14]

43. In *Metropolitan Church of Bessarabia v. Moldova*, this Court held that domestic law, to meet the clarity requirement, must afford a measure of legal protection against arbitrary interferences by public authorities with the rights guaranteed by the Convention:

> **In matters affecting fundamental rights it would be contrary to the rule of law, one of the basic principles of a democratic society enshrined in the Convention, for a legal discretion granted to the executive to be expressed in terms of an unfettered power. Consequently, the law must indicate with sufficient clarity the scope of any such discretion and the manner of its exercise.[15]**

44. Precisely stated, for the general public regulations regarding custodial takings must be accessible and foreseeable in their effects. It is the Applicant's position that the same accessibility and foreseeability of regulation is just as necessary when, rather than taking custody of a child itself, the state supports the efforts of one parent to exclude the other. Mr Allman could not possibly have realised, when he publihed his beliefs about abortion and homosexuality on a political blog, that losing contact with his son, with the support of the state, would have become a consequence of his outspokenness. One of the roles of the judges of this Court, therefore, is to assess the "quality" of a law, ensuring that the law has the requisite precision in defining the conditions and forms of any limitations on basic safeguards.[16] That "quality" is clearly lacking in the instant matter.

45. The appearance of independence for a tribunal as required by Article 6 § 1 is of importance.[17] What is at stake is the confidence which the courts in a democratic society must inspire in the public, and above all those accused of wrongdoing.[18] The

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13 *Sunday Times*, 30 Eur. Ct. H.R. (ser. A) at 31.

14 *Olsson v. Sweden*, 130 Eur. Ct. H.R. (ser. A) at 30 (1988); see also *S.W. v. United Kingdom*, 335 Eur. Ct. H.R. 28, 42 (1995) (discussing how the development of criminal law by the courts should be reasonably foreseeable).

15 *Metropolitan Church of Bessarabia v. Moldova*, 2001-XII Eur. Ct. H.R. 81, 111.

16 *Sunday Times*, 30 Eur. Ct. H.R. (ser. A) at 31.

17 *See* Section VI below, §§53-62, for a detailed treatment of the Applicants' Article 6 arguments.

18 ECHR, *Şahiner v. Turkey*, application no. 29279/95, judgment of 25 September 2001, § 44.

Applicant's doubts about the independence and fairness of the system he has found himself in is objectively justified.[19] This "objective observer" standard is one of the judicial litmus tests by which the Cornwall Council fails.

46. It is clear that Cornwall Council acted against Convention principles in exercising an unfettered discretion in seeking to prevent access for Mr. Allman to his son, notwithstanding that the mechanism employed to remove access was not the taking of care proceedings in this case, because the co-operation of the mother in the council's agenda, or the council's adoption of the mother's agenda, whichever way one looks at it. Given that the two main grounds used by the Council, those being smacking allegations (which the Applicant vehemently denies, and which the council has always conceeded were not an insurmountable obstactle), and his political and moral views (views to which he has a right to express under Articles 9 and 10 of the Convention), there was an absolute lack of foreseeability in the outcome that the council was diligent to procure, and which the council had told the mother it would have sought to procure using a care order unless she co-operated, as the social worker admitted on 23rd May 2013. No reasonable person would have been able to guard their actions against such a capricious intervention on the part of the state. Mr Allman was entitled to expect a wholly different response from the council, when, on 3rd April, he asked for the council's help in restoring to his son the Principle 6 normality that the child had enjoyed from birth on 27th May 2010, up to and including 2nd April 2013, the last day on which Mr Allman was allowed to have care of his son.

(b) Legitimate Aim

47. The second prong of the analysis for interference is whether the interference in question pursues a legitimate aim. Restrictions on rights guaranteed by the European Convention on Human Rights must be narrowly tailored and must be adopted in the interests of public and social life, as well as the rights of other people within society.[20] The Court must look at the "interference" complained of in the light of the case as a whole and determine whether the reasons adduced by the national authorities to justify it are "relevant and sufficient."[21] The Applicant here only notes that any legitimate aim sought in the instant matter was irreparably tarnished through

19 ECHR, *Incal v. Turkey*, application no. 22679/93, judgment of 09 June 1998, § 71.
20 *See e.g.: Thoma v. Luxemborg*, 2001-III Eur. Ct. H.R. 67, 84.
21 *Id,* §85. (*citing Fressoz & Roire v. France*, 1999-I Eur. Ct. H.R. 1, 19–20).

systematic breaches of procedure and prejudices relating to the him, his Christian faith and his published opinions on morally sensitive matters.[22]

48. Where a legitimate aim is being used to justify discriminatory treatment and bias, the Court is bound to look beyond the intimated aim to the actual intent of the public decision maker. The Cornwall Council does not like Mr. Allman. They find his published blogs loathsome and have made no qualms that his opinions played a role in their decision. Furthermore, the Council was embroiled at around the same period in a protracted legal battle with Mr. Allman, a battle which the Council ultimately lost. This court battle was premised on the Council refusing to provide unredacted versions of records it had been keeping about the Applicant and "M", records which already indicated its distaste for the Applicant. Any ability of the Council to provide Mr. Allman a fair, independent, and unbiased enquiry into his parenting had been irreparably tarnished by this point.

(c) Necessary in a Democratic Society

49. The ECHR has stated that the typical features of a democratic society are pluralism, tolerance, and broadmindedness.[23] For such an interference to be necessary in a democratic society, it must meet a "pressing social need" while at the same time remaining "proportionate to the legitimate aim pursued."[24] The ECHR defines proportionality as being the achievement of a fair balance between various conflicting interests. The notion 'necessary' does not have the flexibility of such expressions as 'useful' or 'desirable.'"[25]

50. In the case of *Kutzner v. Germany*, the Court reiterated that: "in order to determine whether the impugned measures were "necessary in a democratic society", it has to consider whether, in the light of the case as a whole, the reasons adduced to justify them were relevant and sufficient for the purposes of paragraph 2 of Article 8 (see, among other authorities, *Olsson (no. 1)*, cited above, p. 32, § 68; *Johansen*, cited

22 Section IV below, §§29-48.

23 *Handyside v. United Kingdom*, 24 Eur. Ct. H.R. (ser. A) at 23 (1976); accord *Dichand*, App. No. 29271/95 § 37; *Marônek*, 2001-III Eur. Ct. H.R. at 349; *Thoma*, 2001-III Eur. Ct. H.R. at 84; *Jerusalem v. Austria*, 2001-II Eur. Ct. H.R. 69, 81; *Arslan v. Turkey*, App. No. 23462/94 § 44(i) (Eur. Ct. H.R. July 8, 1999); *De Haes v. Belgium*, 1997-I Eur. Ct. H.R. 198, 236; *Goodwin v. United Kingdom*, 1996-II Eur. Ct. H.R. 483, 500; *Jersild v. Denmark*, 298 Eur. Ct. H.R. (ser. A) at 23 (1994); *Thorgeir Thorgeirson v. Iceland*, 239 Eur. Ct. H.R. (ser. A) at 27 (1992); *Oberschlick v. Austria*, 204 Eur. Ct. H.R. (ser. A) at 25 (1991); *Lingens*, 103 Eur.Ct. H.R. at 26; *Sunday Times v. United Kingdom*, 30 Eur. Ct. H.R. (ser. A) at 40 (1979).

24 *Sunday Times*, 30 Eur. Ct. H.R. (ser. A) at 38.

25 *Svyato-Mykhaylivska Parafiya v. Ukraine*, App. No. 77703/01 ¶ 116 (Eur. Ct. H.R. June 14, 2007), http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-81067.

above, pp. 1003-04, § 64; *Olsson (no. 2)*, cited above, p. 34, § 87; *Bronda*, cited above, p. 1491, § 59; *Gnahoré*, cited above, § 54; and *K and T. v. Finland*, cited above, § 154). It will also have regard to the obligation which the State has in principle to enable the ties between parents and their children to be preserved."[26]

51. The margin of appreciation to be accorded to the competent national authorities will vary in the light of the nature of the issues and the seriousness of the interests at stake, such as the importance of protecting the child in a situation in which its health or development may be seriously at risk and the objective of reuniting the family as soon as circumstances permit.[27]Cornwall Council has failed in both duties, grossly overstating any risk to which the Applicant posed to his son, as well as frustrating the reunification process to which is was legally and morally bound to pursue as a matter of urgency.

52. In *Wallova and Walla v. the Czech Republic*[28], the Court found that while there were relevant reasons to take the children into care (in that case it was as a result of the family's living conditions and the hygiene of the children), the reasons for separating the family were not sufficient.[29] Although the council did not deprive Mr Allman of contact with his son using care proceedings, the effect it wrought by siding exclusively with the mother was just as draconian, so the same principles should be applied in the present case. The key principle established in *Wallova and Walla*, and applicable in the instant Application, is that relevance alone cannot sustain a care order (or the present equivalent) from the Respondent Council. While gathering *de minimus* evidence, not supported in fact, the Respondent did not have sufficient grounds to order the separation of Mr. Allman from his son. Equally important, the authorities had the possibility to monitor the family situation rather than immediately deprive the Applicant of contact with his son, a far more proportionate and less drastic measure than those which were taken, to guarantee the well-being of his son.

53. During the painfully long period from 3rd April 2013 to 18rd May 2013, the council applied a blanket policy, of seeking to prevent any and all contact between the father

26 *Kutzner v. Germany*, App. No. 46544/99, judgment of 26 February 2002, § 65.

27 *Id*., § 67.

28 No. 23848/04, 26 October 2006.

29 *Id.*, § 78. "Eu égard à l'ensemble de ces éléments, la Cour considère que si les raisons invoquées par les autorités et juridictions nationales étaient pertinentes, elles n'étaient pas suffisantes pour justifier cette grave ingérence dans la vie familiale des requérants qu'était le placement de leurs enfants dans des établissements publics."

and the son. The council pleaded and/or argued that it was compelled to do this, because this was the blanket policy, not of itself, but of the police. Six long weeks is how long it took the police to decide that there was insufficient evidence to charge Mr Allman with any offence. In the High Court, the council argued that it *had* to do what the police *told* it to do. That is why no effort was made to debrief Mr Allman about his safeguarding concerns, over which he had referred his son. That is why it had not been possible to observe Mr Allman with his son, to observe his *parenting style*, before concluding that his parenting style (because of his "beliefs") presented an "insurmountable obstacle" to his having any future role in the upbringing of his own son, or any direct contact with him before his sixteenth birthday. The High Court seems to have accepted all this at face value. Mr Allman had not made the police a co-defendant of his claim against the council under the Human Rights Act, so he couldn't cross-examine the police on whether this police blanket policy, which was an interference in his Article 8 right, was the *least necessary interference* in order not to prejudice a police investigation that was painfully slow, notwithstanding that it was a foregone conclusion from the outset that the investigation would end in a decision that Mr Allman should not face criminal charges over the alleged smacking of his son. However, the UK is vicariously liable, and answerable to the EctHR, for the entire process in which the police and the council worked together. The EctHR should now ask the UK, for the first time, to defend its blanket policy, of abruptly stopping all contact of a child with a parent whom the other parent has accused of smacking the child, whenever this situation arises, as the proportionate response to the legitimate aim of the criminal investigation of the alleged smacking of children.

IV. Article 8 + 9 Taken Together With Article 14: Freedom from Discrimination

54. Article 14 of the Convention reads: The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

(a) Animus Based on Religion

55. The instant complaint meets the ambit requirement by being intimately tied to both the Applicant's Article 8 rights and Article 9 rights. Prejudice towards Mr. Allman's Christian faith and opinions as published on his blog, which the Cornwall Council has

cited as grounds for questioning his fitness to parent, has been evident throughout the entire process and unlawfully influenced the attitude of the Council.

56. This Court has also stressed that Article 14 is an "autonomous" provision and can be violated even where the substantive article relied upon to invoke Article 14 has not been violated.[30]

57. Article 9 protects the *forum externum*, on the basis that "bearing witness in words and deeds is bound up with the existence of religious convictions."[31]. The restrictions imposed on freedom to manifest all of the rights inherent in freedom of religion call for very strict scrutiny by the European Court of Human Rights[32] The list of restrictions of freedom of religion, as contained in Articles 9 of the Convention, is exhaustive and they are to be construed narrowly, within a limited margin of appreciation allowed for the State and only convincing and compelling reasons can justify restrictions on that freedom.[33]

58. Central to all of this is the principle that the State has a duty to remain neutral and impartial towards the religious beliefs of individuals and faith communities, since what is at stake is the preservation of pluralism and the proper functioning of democracy, even when those views may be irksome to State authorities.[34]

59. The Court has therefore protected the right of religious beliefs, even those seen by some as unorthodox, in its parental rights jurisprudence. With regard to Mr. Allman and this Application, the Court should again re-affirm this foundational jurisprudence.

60. In *Hoffman v. Austria*,[35] the husband of the Applicant converted from Roman Catholicism to become a Jehovah's witness. Shortly thereafter the Applicant filed for divorce and sought full custody of the children on the basis that their two young children would be subjected by her husband to educational principles of his religion which would make them hostile to society and otherwise isolate them. The Court rejected this argument on the basis that Article 8 must be read in conjunction with Article 14's prohibition against discrimination, which includes religion as a protected

30 *Belgian Linguistic case* (1968) 1 EHRR 252, 283.

31 *Kokkinakis v. Greece*, (14307/88) [1993] ECHR 20 (25 May 1993), § 31.

32 ECHR, *Manoussakis and Others v. Greece*, Reports 1996-IV: AFDI, 1996, p. 749, § 44.

33 ECHR, Wingrove v. the United Kingdom, judgment of 25 November 1996, Reports of Judgments and Decisions 1996-V, p. 1956, § 53.

34 ECHR, 30 January 1998, United Communist Party of Turkey and Others v. Turkey, Reports 1998-I, p. 25, § 57.

35 ECHR, *Hoffman v. Austria,* Judgment of 23 June 1993, application no. 12875/87.

class. The Court assessed that Mr. Hoffman's parenting abilities could not be judged differently from those of his ex-wife solely on the basis of his religious affiliation or the beliefs held therein.[36]

61. Similarly, in *Palau-Martinez v. France*[37], the ECHR held in favour of a mother who was Jehovah's Witness, overruling the Spanish courts which had ruled that full custody should go to the father, even though he was held 100 percent responsible by the same court for the dissolution of the marriage. The Court in *Palau-Martinez* ruled that while it is a legitimate aim to pursue the protection of children's best interests, that there must be a reasonable and objective justification to limit parental rights. Religious belief was held not to fulfill that reasonable and objective criteria, but was instead evidence of discrimination against the mother's religious affiliation.

62. Finally, in *Vojnity v. Hungary*[38], the Hungarian courts removed a father's access to his children, giving full custody to his wife, on the basis that he belonged to the Congregation of the Faith denomination. Because of his strong affiliation with the Congregation of the Faith, the domestic courts found him unfit to have custody on the basis that he would aggressively proselytize his children with views which were irrational and dangerous.

63. The European Court overruled the domestic courts holding that the removal of access rights to his children had essentially been based on Mr Vojnity's religious beliefs, which constituted a difference of treatment with other parents placed in a similar situation but who did not have any strong religious conviction. In accordance with the Court's jurisprudence, such a difference of treatment had to have an objective and reasonable justification, otherwise it was discriminatory. In the *Vojnity* case removal of access rights based solely on the Applicants' religious beliefs for the protection of the best interests of his two children was disproportionate to both the Applicants' parental rights and his right to hold religious convictions of his choice.

64. The wealth of precedent this Court has generated on the matter of religious faith and child rearing is clearly pertinent in the instant matter and sufficient to give rise to a violation of the Applicant's Convention rights. Mr. Allman's views stem from his, and his church's understanding of the Bible. Pursuant to Section 13 of the Human

36 *Id.,* §30*ff.*

37ECHR, *Palau-Martinez v. France*, Judgment of 16 December 2003, application no. 64927/01.

38 ECHR, *Vojnity v. Hungary*, Judgment of 12 February 2002, application no. 29617/07.

Rights Act[39], because the Council's decision would affect not only Mr. Allman, but others within his congregation who hold the same beliefs and their ability to peacefully raise their children, that a heightened level of scrutiny was required to secure Mr. Allman's Article 9 rights. The Council, pursuant to its public sector equality duty[40], also owed a further duty to promote tolerance and respect towards the protected characterise of religion or belief held by Mr. Allman, no matter how distasteful they found his Christian beliefs to be. This same duty, to foster good relations between different people, also extends to relations between the different sexes (perhaps even more so with regard the mother and father of the same child). The Council wilfully disregarded this duty as it has conducted its social work in the instant case.

VI. Article 6: Right to a Fair Trial

65. An alternative way of arguing Mr Allman's points concerning Natural Justice, is to argue the same points within the framework of Article 6, impartiality and independence.

66. After issuing his claim, A v Cornwall, Mr Allman defeated two strike-out applications of his claim that were based upon the contention that the facts pleaded did not disclose a breach. In the High Court, he proved, essentially, all the facts which he had pleaded were all the facts he needed to prove, in order prove a breach of his Convention rights. It may readily be seen from the pleadings in A v Cornwall, the judgment of the High Court, the appeal bundle that Mr Allman submitted to the Court of Appeal, and the response of the Lord Justice denying Mr Allman permission to appeal, that Mr Allman has never been given a comprehensible explanation as to why, having proved the main facts he pleaded, in a claim that wasn't struck out because those facts disclosed no breaches, he could have failed to have proved a breach of his Convention rights.

39 13(1): "If a court's determination of any question arising under this Act might affect the exercise by a religious organisation (itself or its members collectively) of the Convention right to freedom of thought, conscience and religion, it must have particular regard to the importance of that right."
40 Equality Act 2010, ss. 149*ff.*

VII. Conclusion

67. The Applicant calls upon this Court to find the High Contracting Party of the United Kingdom, the Cornwall Council, and all other state actors involved in the separation of Mr. Allman from his son to be in violation of Article 8 of the Convention, Article 8+9 when taken in conjunction with Article 14 of the Convention, and Article 6 of the Convention. The Council has, contrary to Mr. Allman's parental rights and against his son's best interests, unjustly separated the two, not based upon the highly dubious allegations of smacking (which it admitted were not an "insurmountable obstacle"), but rather based to a great extent upon animus towards his moral and political views, about which Mr Allman was interrogated inappropriately, missing the opportunity to debrief him on his safeguarding concerns that had prompted his referral of his son. The Council lacked independence, taking on this social work in the first place, instead of outsourcing it when the referral was passed to it by MIRAS, because it was the defendant in litigation in which it eventually paid monetary damages to the Applicant for breaching his rights under the Data Protection Act 1998. The council ignored the need to observe Natural Justice, and breached its Public Sector Equality Duty, a duty in effect, where possible, to sow harmony where it found discord. The council treated the applicant less favourably because of his strong Christian beliefs (even if this was, as it has been said, only because of the strength of his beliefs rather than the content). The council sought to gain advantage in the Data Protection Act proceedings brought jointly by the father and the mother before they became estranged. Finally, the mother was threatened, in effect, with care proceedings, if she did not continue to prevent contact between father and son.

In the European Court of Human Rights

Between

Mr John William Allman

Applicant

and

The United Kingdom of Great Britain and Northern Ireland

High Contracting Party

Facts of and behind A v Cornwall
written by the applicant John Allman, on 8/3/18

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1. My name is John William Allman. My date of birth was 7th May 1953. I worked for the majority of my career in software development. I am now retired.

2. I was widowed on 26th May 2006. I have four grown-up children born, from 1976 to 1986, and eight grandchildren. My fifth child (S), my second son, was born on 27th May 2010, out of wedlock, to a woman (M) born in 1966, whom I had met in 2009, and whom I then expected to marry soon after the birth. I was present at the birth of S.

3. I had first met M in the summer of 2009. She contacted me via email, asking me to accompany her on a visit to her GP, as moral support. She was seeking a letter from her GP, stating that she was not mentally ill. She wanted this because she had discovered, by making a subject access request under the Data Protection Act, that the computerised police logs had many references to her "mental illness". These entries were made on the many occasions on which she had contacted the police since about 2006, complaining that she was being stalked by multiple stalkers unknown to her, reports which the police considered implausible and attributed to M's paranoia.

4. M had a history of making suicidal gestures before I met her, which she blamed upon the stress inflicted on her by those persons unknown whom she believed were “stalking” her.

5. M made romantic advances to me soon after we met. She also professed to be interested in converting to Christianity, my own religion, and regret that she had no children. I emailed her setting out my standards, and in particular the importance to any child of any marriage being raised where possible by both of his or her natural parents.

6. M became pregnant with S very quickly. M and I were never legally married. This should not have happened, but I was pleased to be a father of a baby again regardless, and fully intended to marry M as soon as possible.

7. M and S were discharged to home from maternity hospital, and I lived at M’s home with her more-or-less continually for the first ten months or so after that.

8. During the pregnancy, there were two safeguarding referrals of S to social services, by a police officer and by M’s community midwife, who were both concerned that M’s mental health condition posed a risk to S. I had not realised that this risk was as great as I now realise it to have been.

9. On the day following S’s birth, a consultant psychiatrist made a further safeguarding referral of S to social services, because of her conclusion that M was suffering from a delusional disorder that caused her to imagine that she was being stalked. Her express worry was that patients such as M became dangerous to their children when their children became incorporated into their delusional belief systems. I have copies of this correspondence, and of an NHS clinical alert specifically about this special risk that delusional parents pose to their children when the children become incorporated in the parents' delusional belief systems.

10. At the same time, and independently, M's community midwife made a further safe guarding referral of S, for the same reason.

11. Cornwall Social Services investigated the various referrals. I assured them that if I ever began to believe that M's mental health condition posed a serious risk to S from which I would not be able to protect him, I would refer him to social services myself. In the event, that is what I did do, in 2013, when that situation first arose, but with an entirely unexpected outcome that has dismayed not just me, but both sides of S's extended family and those of my faith community aware of the facts of the matter.

12. There was a further referral of S, in the autumn of 2010, by a police officer who investigated further spurious stalking allegations on the part of M. This occurred at a time when I was an in-patient in hospital, following a heart attack on 31st August 2010.

13. In March 2011, I rented a flat in Okehampton. M had by then started to incorporate me in her delusions more than at first, beginning to believe more often and for longer that I was one of her many stalkers and harassers myself. However, I only stayed there when M sent me away, because of temporary delusional beliefs that I was doing her some dort of harm clandestinely, typically by what she called "gas lighting".

14. M and I continued to raise S together, apart from these occasional and temporary absences when M believed (delusionally) that I had "gas lighted" her. Typically, she would come to her senses in a day or two, and accept me back, until the next psychotic episode.

15. In 2010, because of M's characteristic sense of being conspired against, M and I made a subject access request of Cornwall Council for the social work records of S. When these arrived, they were so heavily redacted that we complained to the

Information Commissioner's Office. That complaint was upheld, but Cornwall Council still refused to release the redacted information.

16. In 2011, as joint claimants, M and I sued the council for an injunction compelling release of the social work records that had been redacted. Cornwall defended.

17. That claim dragged on until 2013, when, in separate *family* proceedings, release of the social work records unredacted was ordered, ensuring that any victory in the proceedings under the Data Protection Act would be Pyrrhic. This led, eventually, to a settlement of those proceedings with a consent order, and very modest damages for myself for the breach of my subject access rights. By then, the defendant had persuaded M to discontinue the proceedings, leaving me as sole claimant, because I had promised not to discontinue without M. The negotiations – evidenced at trial of A v Cornwall by emails between M and the council over the DPA proceedings - which led to M withdrawing in exchange for no costs, whilst I continued as claimant alone and potentially liable for costs, had been clandestine.

18. In late 2011, on the advice of the health visitor appointed to safeguard S because of M's perceived mental health problems, S and I decided to have a second child. However, when he or she had been conceived, M's paranoia kicked in. She began to believe that mental health professionals and the council would intervene to take S and the new child off her if she continued the pregnancy. To my horror, M therefore proposed to have an abortion. I took legal advice from the Christian Legal Centre, only to discover that I had no legal standing to intervene to save the life of my new son or daughter.

19. In late 2012 and early 2013, M began to become paranoid about me, believing that I was stalking her, along with all her unknown (and probably imaginary) stalkers. By then, I had given up my flat in Okehampton, and rented one in Launceston, to be nearer to S and M.

20. For the first time, I was spending more nights sleeping at my rented flat than at M's house as part of a cohabiting nuclear family. M obtained a solicitor and a formal contact arrangement was agreed in writing. Before the 18th March deadline, I made an application for Legal Aid to bring private family proceedings, because M was becoming so controlling, frequently not complying with the contact agreement that she herself had wanted formalised in writing.

21. By then I realised that I had been wrong to father S, but I still wanted S to have the benefit of married parents if possible. Since that look only remote prospect, I was willing instead merely to co-operate with M, to share the parenting of S.

22. At this stage, I was supposed to have S on Tuesdays, Wednesdays and Sundays, coinciding with child-friendly church activities to which I took S most days I had him, accounting for some of the time I had him on each of those days.

23. On Easter Sunday 31st March 2013, the children's worker at the church informed me that M had knocked on her door the previous Maundy Thursday evening, in an emotional state. She warned me to "watch my back", because she suspected that M would soon be making a false allegation against me of some sort of child abuse. Subsequently, I learnt that one of M's paranoid delusions was that I was having an affair with this children's worker. I arranged to have a meeting with the minister at my home the following Wednesday about this situation. Ordinarily, S would have been present.

24. On Tuesday 2nd April 2013, I took S to the seaside on the bus, instead of taking him to toddler group, then to my flat. I still have the bus ticket, because it ought to have functioned effectively as documentary proof of an alibi to an allegation made against me.

25. After I returned S to his mother at 15:45 on 3rd April, she telephoned me, complaining of a mark on S's face, which I now realise was his eczema rash, which she had photographed, but on one side of his face only, so as to make it

look like a red mark if printed with poor print quality. She put S onto the telephone, and I heard him say, several times, as though reciting a learnt script, "Daddy smack, in daddy's flat." (That was impossible. I had the bus ticket to prove it.)

26. On Wednesday 3rd April 2013, M did not bring S to the town square for the hand-over. The meeting with the minister went ahead at lunch time. M's solicitor and I spoke on the telephone in the afternoon, confirming that M had stopped all contact between S and me until further notice. I telephoned the health visitor, who advised me to make a referral of S to social services myself. I did so that afternoon, expressing concerns that S was being abused, by being coached to make a false allegation against me.

27. The facts upon which my claim in A v Cornwall really hang begin at this point. I referred S to social services on 3rd April 2013, expressing serious safeguarding concerns, and asking social services to contact me, to discuss what could be done to make S safe.

28. The detailed written evidence in the trial bundle proves that there ensued a completely one-sided investigation on the part of social services, which the judge agreed had been unfair.

29. By the meeting of 23rd May 2013, my first contact with the social worker, social services had already decided that the smacking allegation was true. Every effort should be made to ensure that S never saw me again, but not because the finding of fact, before the meeting, that I had smacked my son presented an "insurmountable obstacle", but rather because of concerns about my parenting style, based upon my "beliefs", inferred by reading my blog.

30. At the meeting of 23rd May 2013, the social worker communicated this situation, in those words, attributing her decision to concerns she had about my "parenting style", which she considered must be unacceptable because of my "beliefs". She

questioned me about blog posts of mine against abortion and against homosexual behaviour, including same sex marriage.

31. The impression given at this meeting was that I was in a hopeless situation, in trying to re-establish contact with my son, because the public sector would do all it could to prevent this, because of antagonmism towards my beliefs. When my claim was tried, that was what the judge found to be the case, except that he found that it had been the strength of my beliefs that was the problem, not the content of my beliefs, and that if I had been more willing to "co-operate" during the inquisition into my beliefs, the social worker might have relented.

32. During the agonising period between 3rd April and 23rd May 2013, I had started private family proceedings, but the first directions appointment wasn't until 29th May 2013, six days *after* the meeting. At this time, Cornwall was still the defendant in a claim under section 7 of the Data Protection Act brought jointly by myself and M, for subject access to the social work records. I had therefore hoped that the court would order CAFCASS to prepare the Welfare Report, when I explained that Cornwall Council had a conflict of interests. However, I did not get a proper opportunity to speak to the judge, who therefore ordered Cornwall Council to produce the welfare report, because the council was already involved with the family, because (more fool me) I had made the final safeguarding referral of my son on 3rd April.

33. The social work undertaken between 3rd April and 23rd May breached my human rights, as argued in the skeleton argument I prepared for the three day trial. (This is an important document. It is included as the first item in the Appellant's Supplementary Bundle, amongst the documents annexed to this application to the EctHR.

34. The facts that I pleaded when I sued the council under the Human Rights Act, in A v Cornwall, including that the social work was unfair, and that I was interrogated about my beliefs against abortion and homosexuality, and that no regard was had for the Public Sector Equality Duty were, by-and-large, facts that

were found by the trial judge. Most of what I claimed actually happened, in my various witnessed statements, the judge agrees did happen, subject to certain obvious and quite minor errors on his part due to his apparently not having read all the writtten evidence. That conclusion is more-or-less compelled by the written evidence of the social work records in the bundle which was provided by the defendant. The judgment, however, does not explain why those facts do not compel the finding of breach in my convention rights that I expected would follow automatically, if I proved those facts.

35. At the meeting of 23rd May 2013, that day on which I realised that I had the human rights claim that became A v Cornwall, the following blog posts that related to either abortion or homosexuality had been published:
Stop giving tax-payers' money to the Terrence Higgins Trust
Burning the poppy
The mild misgiving that dare not speak
B*ggers CAN be choosers!
Lost Brother
The mumbo-jumbo of choice
Thinking outside the botch
Giving evolution a helping hand
Catherine Schaible's right to choose
British judge okays "Don't ask, don't tell"

36. The defendant produced the Welfare Report for the family proceedings, rather than declaring that it could not lawfully do this because of its conflict of interest, as both defendant of both parents in Data Protection Act proceedings, and neutral expert witness. The defendant also exploited its position as the authority ordered to produce the Welfare Report, in order to gain advantage in the defended Data Protection Act proceedings.

37. The social worker's witness statement admits that she read my blog before the meeting of 23rd May 2013, and had decided on that basis that my "parenting style" was a cause for concern, because of my beliefs.

38. On 29th May 2013, using the pseudonym Gagged Dad, I posted about the meeting of 23rd May on my blog, at
Two year-old's contact stopped with "homophobic" dad

39. On 17th June 2013, I posted on my blog:
The homophobic manifesto

40. When the defendant produced the Welfare Report for the family proceedings, it annexed to it eleven pages of my blog, including
The homophobic manifesto
Two year-old's contact stopped with "homophobic" dad
Catherine Schaible's right to choose
British judge okays "Don't ask, don't tell"
This Welfare Report, redacted, was included in the trial bundle in A v Cornwall.

41. During the few weeks following the meeting on 23rd May 2013 at which I realised that a human rights claim had accrued to me, I made several written complaints to the defendant about its treatment of me, which I said was different because of my beliefs, as reflected in the contents of my blog. Despite having a statutory complaints procedure in place, the defendant did not address my complaints using that complaints procedure, but rather ignored my complaints, except for one, which (the defendant told me via email) it had forwarded to is legal department. The correct and advertised procedure would have been to forward all of my complaints to the defendant's Complaints Manager. This has *still* not happened.

IN THE COURT OF APPEAL, CIVIL DIVISION

REF: **A2/2017/1574/PTA**

A –v– CORNWALL COUNCIL

ORDER made by the Rt. Hon. Lord Justice Irwin

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

Decision: granted, refused, adjourned. An order granting permission may limit the issues to be heard or be made subject to conditions.

Permission to appeal is refused.

Reasons

The critical points in the Applicant's position can be summarised as follows: there was bias and unfairness in the approach of SW which arose from a "politically correct" reaction to his views on abortion, homosexual sex, and same sex marriage; SW's understanding of his attitudes was misconceived, since she failed to understand his irony and parody in blog postings; there was anachronism in the Respondent's position, since social worker's attitudes and position crystallised before the relevant blog entries were posted, yet they were deployed to support her views of him; the judge was in error in failing to point that out and in failing to conclude that the anachronism undermined the justification under ECHR Article 8.2 for interference in the Applicant's private life; that the Respondent and the Judge failed to accept that a "stalwart" adherence to inflammatory views and resistance to attack or persuasion on conscientious but unfashionable views fall to be protected, above and beyond the mere control of such views; that there was a lack of common law fairness in the approach of SW and the Respondent in the preparation of the case in the Family Court and that there was a breach of the Equality Act 2010, neither of which were addressed by the judge.

In my judgment none of these points (and no elaboration of them or other points which can be derived from the Grounds or Amended Skeleton) could be successfully argued on appeal.

The judge accepted that SW had indicated views adverse to A's case before meeting him, and deprecated that (judgment, paragraphs 90, 91). However, he had already considered whether her position was final or could have been altered: see judgment, paragraphs 60 and 91. He found she retained sufficient flexibility. It is clear from his judgment, in many passages, that Dingemans J considered that the Applicant had jumped to the conclusion that SW was prejudiced against him and, as a result, failed to explain his views and modes of expression, with the effect of cementing SW's position against him.

The anachronism point is a bad one, in the light of that conclusion. Although the blog posts post-dated the beginning of the process of investigation and report, it was of course right to consider such evidence before making the report to the Court.

The Judge made no error in his consideration of A's fundamental belief and attendant Convention rights. He quoted the well known formulation of Hedley J from *In Re L* [2007] 1 FLR 2050 (judgment, paragraph 2) and his conclusion in paragraph 89 was correct. I can detect no erroneous "subjective" approach. The judge did not consider that A's freedom of conscience was infringed and nor do I. The vehemence and fixity of A's own beliefs did not count against him and nor should they have done. What counted against him was the incapacity to co-operate with others and the conclusion that he would impose on others, not merely his views, but his actions. His case cannot have been helped by the (justified) conclusion by Dingemans J that A was wrong about the phone call following the meeting of 23 May 2013: see judgment, paragraphs 65-70.

It is important to note that the judge emphasised that the conclusions on the central matters were reached in the Family Court. Much of what A wishes to advance might well be thought to represent a collateral attack on the decision in the family proceedings, and thus to infringe the principle in *Hunter v Chief Constable, West Midlands* [1982] AC 529.

Finally, the issues before the Judge were agreed, and they did not include infringement of the Equality Act 2010. I am in any event quite unpersuaded that such a claim would be viable, for the reasons given by the Respondent in their Brief Submissions.

For those reasons, permission is refused.

Information for or directions to the parties

This case falls within the Court of Appeal Mediation Scheme automatic pilot categories*. Yes ☐ No ☐

Recommended for mediation Yes ☐ No ☐

If not, please give reason:

Where permission has been granted, or the application adjourned

a) time estimate (excluding judgment)

b) any expedition

Signed:

Date: 12 September 2017

By the Court

Notes

(1) Rule 52.6(1) provides that permission to appeal may be given only where –

a) the Court considers that the appeal would have a real prospect of success; or

b) there is some other compelling reason why the appeal should be heard.

(2) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.

(3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).

Case Number: **A2/2017/1574/PTA**

HER MAJESTY'S COURT OF APPEAL E&W

IN THE COURT OF APPEAL A88YJ875

Between

A

Appellant

and

The Cornwall Council

Respondent

Amended grounds of appeal

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*Counsel's **pro bono** advice not having been received until yesterday, and tomorrow being the last day for posting in order to guarantee delivery on 20th July as directed, these amended grounds of appeal, are not the "perfected" grounds of appeal I hoped to be able to file by now, professionally drafted. However, I hope they make my case strongly enough to get me past the permission stage, in order to make a substantive appeal. - A, impecunious litigant-in-person, 18th July 2017*

1. The learned judge's findings of fact, which I do not impugn ~~in general~~ severely, should have led to ~~a different verdict~~ a declaration that my Convention rights under articles 8, 9 and 14 (in conjunction with 8 and 9) had been infringed, and a consideration as to whether I was entitled to Just Satisfaction.

2. There was a fundamental misunderstanding on the part of the learned judge, as to the thrust of my claim.

3. There was a fundamental misunderstanding on the part of the learned judge about the relationship (if any) between my claim, and certain separate and concluded family proceedings, and a misunderstanding of the outcome of those family proceedings and its implications.

4. There was a fatal chronological fallacy in the learned judge's reasoning, whereby conduct in 2013 was found to be attributable to, and justified by, an order made in 2014

in the family proceedings, and (to some extent) expert evidence heard in those proceedings, also in 2014.

5. The judgment is flawed by other examples of blatant chronological fallacy. There was at least one other chronological fallacy, for example where a social worker's behaviour, which the learned judge criticised, was attributed to concerns raised in her mind by a blog post of the mine that had not yet been published at the time of that behaviour.

6. The learned judge misconstrued the claim to be more-or-less entirely about beliefs discrimination. But the claim was pleaded, and argued, far more broadly than that.

7. The learned judge's judgment takes no account at all of ~~the appellant's~~ my skeleton argument for the trial. This will be in the Appellant's Supplementary Bundle.

8. The judgment handed down leaves ~~the appellant~~ me insufficiently enlightened as to why, the learned judge, having found true the main facts that ~~he~~ I had pleaded and argued and testified to, the learned judge nevertheless did not give judgment to ~~the appellant~~ me.

9. ~~The appellant~~ I had argued correctly that child safeguarding social work that led to the local authority taking a view as to what was best for a child, possibly excluding one parent (even temporarily), was self-evidently an interference in the Article 8 right of the parents (and also a quasi-judicial function). ~~That~~ Any interference required a defence under Article 8.2, that the interference wrought was lawful and necessary, with the burden of proof falling on the Defendant local authority. The learned judge failed to hold the Defendant to proof of its Article 8.2 compliance, in each of two respects in which ~~the appellant~~ I had required this, by challenging in ~~his~~ my pleadings any assertion

that might be made of compliance in either of the two respects, namely Natural Justice and the Public Sector Equality Duty.

10. The learned judge applied a false doctrine, that compliance with the lawfulness leg of the test in the Article 8.2 dual test, required only that the Defendant could point to one law with which it had complied. ~~The appellant says that~~ This made it too easy for the Defendant, which testified, presumably truthfully, as to its compliance with The Children Act, which has never been in dispute. The correct test of lawfulness in Article 8.2, is compliance with all laws, not just one.

11. Functions under the Children Act, ~~the appellant~~ I had correctly argued, must be conducted in a manner that complies with the public sector equality duty, if they are to pass the lawfulness leg of the test of Article 8.2. ~~He had got~~ The social worker ~~to admit~~ had admitted under cross-examination that she had had no regard at all to the need to foster good relations between men and women, when doing her Children Act social work. (That much had been obvious.) She didn't think she needed to. Yet the learned judge has simply overlooked this point, in reaching his broad brush decision that there was no breach of my Convention rights. He swept ~~the~~ my entire argument ~~of the appellant that is~~ based upon the public sector equality duty, under the carpet. His judgment supresses the truth that these facts were ever pleaded, or this argument was ever made, and made vigorously. But this is a very important argument, which could improve social work in the UK dramatically without fresh primary legislation, if only the CA now upheld this statutory provision of the Equality Act 2010, that the public sector equality duty applied even to social work ~~in case law~~.

12. The learned judge found that the Defendant had not complied with the rules of Natural Justice, in a type of social work that is clearly quasi-judicial, and bemoaned this in his

judgment to such an extent that ~~the appellant~~ I took great comfort from this finding on the learned judge's part, a finding which vindicates ~~the appellant~~ me even though ~~he~~ I had not won ~~his~~ my claim. But the learned judge shrank from taking that finding of fact to its logical conclusion, which is that the social work undertaken failed the Article 8.2 lawfulness test, because it did not comply with Natural Justice, and hence was not *fully* "in accordance with law".

13. There was no public scrutiny of the trial, because of the lateness of the decision, in theory, to admit the public, by which time it was too late to invite the public. This should always be a cause for concern. A shorter retrial, in public, would increase the safety and transparency. One day should be enough. The witnesses would not need to be called again, because the court that retried the claim could use the learned judge's findings of fact, except where contradicted by the documentary evidence which the learned judge seems to have overlooked. (This is documentary evidence prepared by the Defendant, included in the trial bundle, to be included n the Appellant's Supplementary Bundle when this is filed, and overlooked by the learned judge when making a few findings of fact that were mistaken.) The legal arguments in my skeleton argument (in the Appellant's Supplemental Bundle) ought ~~need~~ to be addressed in public, and they aren't addressed at all in the present judgment.

14. The learned judge has not held the Defendant accountable for its concurring with a decision which he found was initially taken by the police. But the council is responsible, as an accomplice, for its decision to concur and to co-operate with the initial decision taken by the police.

15. At paragraph 32 of the judgment, the learned judge misdirected himself as regards what facts he needed to determine. (See skeleton argument on this point.)

16. The learned judge's doctrine appears throughout to be that the two-legged test in Article 8.2 (lawfulness and necessity) is a subjective test, to which the Defendant's state of mind or knowledge was relevant. This is incorrect. The correct test is objective. The court should ask whether, *with hindsight*, it was *actually* lawful and necessary, to do this piece of social work in the way it was done (a way which the learned judge rightly criticises). It is not a defence under Article 8.2, to admit that one now realises that what one did earlier, was unnecessarily harsh, or clumsy, but to say that, at the time, one sincerely thought that it was necessary.

17. There are a few errors in the facts found, where the written evidence goes against that which was found. (For example at paragraph 35, where the learned judge had clearly failed to read carefully enough in the trial bundle, the referral he mentions, which did indeed make the coaching allegation that the learned judge seems not to have noticed.) (See note at paragraph 13 above, about the documentary evidence to be included in the Appellant's Supplementary Bundle in due course.)

18. The learned judge's doctrine of what it ~~is~~ means to discriminate against somebody on the grounds of belief, is wrong. He teaches that beliefs discrimination only applies to the content of beliefs. I say that the correct construction as to what beliefs discrimination entails, is that it includes discrimination against anything or everything about beliefs, in particular both the content *and* the strength of beliefs. To treat somebody differently because they have *strong* beliefs, about which they are unable or unwilling to negotiate and compromise, as the learned judge found happened, is as much to discrimate against them on the grounds of their beliefs as it would be to treat them differently because one disapproved of the *content* of their beliefs. This really must be declared to be the law, or there is, realistically, no protection at all for those with dissident/unpopular beliefs, of which the state and/or its agents disapprove. Otherwise the state (as now) will *always*

be able to wriggle out of liability by saying, "Ah, but it was only the *strength* of your dissident beliefs that we didn't like, you see, not *what* you believe. That doesn't count as discrimination." The learned judge's doctrine here is downright sinister, and the CA really must reject it.

19. The judgment contains some self-contradiction.

20. There is an assymmetry in the learned judge's thinking at paragraph 57. He implicitly takes sides, in the culture war between pro- and anti-homosexuality schools of thought. (The same is evident in his struggle with ~~with~~ my willing acceptance of the label "homophobic" that my "culture war" enemies apply to me, rather than my protesting, as others do, pedantically, that I am not homophobic, if this or that is the definition of the ambiguous and intolerant neologism concerned.)

21. On the facts that the learned judge found, which happily were by and large those I had pleaded in the first place, the logical decision for him to take, was to find that those facts amounted to a breach of my Convention rights. I find it impossible to understand the learned judge's (it must be said, *scant*) reasoning, whereby he has sidestepped that conclusion, which I had thought must be staring him in the face.

22. The learned judge's entire approach to the trial, was as though I had brought a private prosecution against the social worker, to whom he was far too kind. He seemed to find a lack of *mens rea* in her, so-to-speak. It was all a terrible and tragic misunderstanding, he thought. The poor woman must be given the benefit of the doubt, not "found guilty" (so-to-speak) for what she admitted now had been an honest mistake. But *that* way of thinking about the civil claim I actually brought, is implicitly to apply a subjective test of lawfulness and necessity, whereas the true Article 8.2 test is an *objective* test.

This was the result of applying a test that hinged upon how things merely *looked* **subjectively**, to SW, rather than of how things actually *were*, **objectively**-speaking.

The judge's false legal doctrines summarised

I have added this as a handy reference to the most important points. The false legal doctrines applied by the learned judge that I wish the CA to rule were false, are as follows:

i. A social worker's acting unfairly **doesn't** forfeit his or her Article 8.2 protection

ii. A social worker's breaching his or her public sector equality duty (by omission) **doesn't** forfeit his or her Article 8.2 protection

iii. Article 8.2 lawfulness **only** means compliance with **some** laws, not necessarily with **all** laws

iv. Article 8.2 lawfulness and necessity are **subjective** (or possibly hybrid?) tests, not purely **objective** tests**:** If something seemed lawful and necessary at the time, to the actual social worker (or at least would have seemed lawful and necessary to a hypothetical reasonable social worker), then it *was* lawful and necessary: It **cannot** with hindsight be found to have been wrong after all

v. The chronological fallacy: A later event (e.g. a child arrangement order or a psychologist's report in family proceedings, or the publication of The Homophobic Manifesto) **can** be the cause, or the justification, of a prior event (e.g. conduct of SW before the family proceedings had even begun, or "concerns" in SW's mind before the publication of the manifesto to which the judge attributed her concerns)

vi. **Less favourable treatment of those with beliefs one considers too strong, *does not count* as discrimination on the grounds of belief**.

Addendum:

*I did not receive (by telephone and in writing) the **pro bono** advice of counsel which I had been seeking for so long, until yesterday, Monday 17th July 2017, yesterday. Since it is now less than 48 hours before when I must submit the papers to the court again, and I am ion Cornwall, I am simply reproducing below, some of counsel's encouraging comments that relate to the permission stage, rather than to a later occasion when when counsel might have the opportunity to argue the substantive appeal orally. Unfortunately, I simply don't have time to do the merging needed.*

Counsel wrote:

I think you approach is correct; namely that the nature of the inquiry by the Social Worker was contrary to the Convention. I do think that you are addressing the main points and have done a good job.

SW inappropriate phrasing on his views on abortion etc was held to irrelevant [62] as not reason for decision. In fact, SW recorded that '*I would be concerned if S were to be exposed to these views whilst he is developing social awareness and moral opinions*' [75]. Finding by Judge

There is a slight of hand from the content to the strength of beliefs to overall emotional health.

I would reformulate the Ground of Appeal; and put the Argument into the Skeleton Argument:- keep the Ground of Appeal simple. Something like this; and then address logically in Skeleton so judges can follow. *This is draft and you know more than me….*

Ground 1: The Learned Judge failed to find a violation of Articles 8 and 9 of the European Convention:

a. The Learned Judge made the following findings of fact:-

I) Paragraph [47] that the Social Worker made a decision to exclude/ remove the father *prior* to meeting with the father or hearing his evidence;

ii) Paragraph [52] that the Social Worker had concerns '*about his views and behaviours'*; and that the Appellant disengaged due to concerns that he would be

discriminated against by reason of his religious beliefs;

iii) Paragraphs [55-56] that the Appellant was (intensely) questioned over a blog he had written on abortion, what he would do if his adult daughter had an abortion and what he would do if his son was homosexual;

b. The question of a parent on lawful religious, moral and ethical views was intrusive and a breach of both Article 8 as the authority lacked substantive grounds to ask such questions; and Article 9 as the Appellant was compelled to state his religious views and beliefs. The questioning focused on religious believes, was intrusive and clearly provocative; giving rise to an adverse response.

c. These questions and finding of fact by the Learned Judge represent a predisposed bias on the part of a public authority against a Christian minority; these negative attitudes cannot, of themselves, be considered by the Court of Appeal to amount to sufficient justification for the interferences with the Appellant's Convention Rights any more than similar negative attitudes towards those of a different race, origin or colour.

Ground 2: The learned Judge drew an artificial distinction between the content of the religious views; and the strength and conviction of such views:

a. d

Ground 3: The learned Judge failed to uphold the Common Law doctrine of fairness and equality between the sexes; and the presumption of innocence:

15. John, this is the best I can do in the time. I hope you have some ideas…. But you are on the right track. All I have done is structure the case with precise headings of Grounds of Appeal: mirror this in your Skeleton.

IN THE COURT OF APPEAL A88YJ875

Between

A

Appellant

and

The Cornwall Council

Respondent

Perfected Appellant's skeleton argument at the permission stage

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This argument isn't structured logically, with a section on each of the different appeal grounds. Instead, it follows the sequence judgment being appealed, dealing with issues the appellant takes with *dicta* in the judgment, in the order in which those *dicta* appear.

1. His lordship stated, in **paragraph 1** of his judgment, "The case follows Family Court proceedings ... in which the Family Court ordered that there should not be direct contact between A and S."

2. This early sentence is seriously misleading. It shows that his lordship simply did not understand the claim he was hearing, despite having before him the pleadings and my skeleton argument for the 3 day-trial trial (which argument is in the Appellant's Supplementary Bundle), to neither of which he has referred at all in his judgment. Yes, there had been private family proceedings which had been concluded (apart from an application for permission to appeal) by the time this claim was brought. However, those private family proceedings were *not yet in progress* at the time ~~of~~ when the main facts pleaded in this claim occurred, in particular the facts about the meeting of **23rd May 2013** and the events leading up to it and around it. With the benefit of hindsight, I was unwise to start the family proceedings, when SW advised me to do so, as a way (she said) of addressing the concerns I had tried unsuccessfully to raise with her. There

might never have been any family proceedings. I would still have had this claim if there had not been any family proceedings. This claim is brought on separate facts. His lordship appears not to have understood this at all. He has, in **paragraph 1** of his judgment, already started to sow the seeds, of the chronological fallacy that bedevils this judgment, whereby his lordship explains events in early 2013, as having been caused by subsequent events that did not take place until later in 2013, or in subsequent years.

3. In the family proceedings, the county court did not order that "there should not be direct contact between A and S". However, even if the county court *had* ordered that, in February 2014, after final hearing in the Family proceedings, which is the first occasion on which the county court made any substantive order, this then *future* order, is not capable of justifying *retrospectively*, or even having the been the contemporary explanation for, the council's conduct from April to June 2013, which was the subject matter of this free-standing HRA claim when it was first brought. That finding also requires one to be fooled by the chronological fallacy.

4. His lordship continues, "The essence of A's claim is that the council prevented A's direct contact with S and did not support A's application to have S live with him, because A had expressed views about abortion and same sex marriage in blogs on the internet..."

5. My pleadings and skeleton argument do not disclose this to be the "essence" of my claim at all, although it is an *aspect* of my claim. The ***essence*** of my claim, when I first realised (on 23rd May 2013) that the claim had accrued to me, and when I complained about my treatment to the Respondent, and later when I *issued* the present claim within the limitation period, was that the council had undertaken social work in a manner that was not compliant with Article 8.2. The burden of proof at the trial of this claim rested upon the council, to show that what it did, which (as it happens) did *include* measures

taken in order to prevent direct contact at a time when there were not yet ongoing family proceedings, though that wasn't necessary for me to prove, was "in accordance with law and necessary in a democratic society".

6. Beliefs discrimination (which the judgment of Dingemans J finds **did occur**, to all practical intents and purposes) was certainly one aspect of my argument. But I also argued that the social work process that was adopted, of which my main complaint was that it was "one-sided", was quasi-judicial in character, and yet did not comply with the rules of Natural Justice, and was therefore not in accordance with English Common Law, and hence outside the qualification of Article 8.2 that permits certain interferences.

7. I also argued (in my trial skeleton argument and in submissions) that conducting social work in this one-sided manner showed a lack of the obligatory "due regard to the need to foster good relations between" men and women, as set out in the **public sector equality duty**. This *also* took the social work outside the scope of Article 8.2, I argued.

8. His lordship continues, that it was the council's "position" that it had "made proper recommendations to the Family Court; and that it was the Family Court which made the relevant decisions." If that were the council's position, then his lordship should have noted that the county court did not make any decisions at all until February 2014, whereas my claim was focussed upon the events that took place in April, May and June 2013, and most of all upon the Defendant's conduct ~~events~~ up to and including the 23rd May 2013, by which date the council had not made any recommendations to the county court, because the family proceedings in the county court had only just been issued at that stage. The first, five-minute-long directions appointment in the Family proceedings was yet to happen, and the council were not involved in that directions appointment when it did happen. When I took the decision to bring this claim, a decision I took on

23rd May 2013, when the claim accrued, nothing at all was going on in the county court in which the council was involved.

9. What had **not yet happened** in the county court, when the facts of my claim accrued in the second quarter of 2013, and which might well never have happened, had I not been stupid enough to take SW's advice and issue family proceedings, is not a defence to the substance of my claim, brought on *earlier* facts. That is **chronological fallacy**. It is saying that A caused B, when B happened before A. Chronological fallacy - findings of the trial judge that things the council did and which I complained about, were justified, because of other thngs there were *going to* happen *in the future*, abound in the judgment. The evidence before the court included an email, dated before SW had met with A, in which SW told M what outcome she was fairly confident she could procure for her, in the family proceedings in the country court!

10. At **paragraph 10** of his judgment, his lordship makes this understatement, "In the event there was not much attendance by the public at the trial." There was none at all, unless one counts the council's witnesses who were scheduled to give their evidence later, who came to watch my testimony, and the reverend from my church who lingered for the first ~~a~~ few minutes of my testimony after giving his own evidence. I did not know that parts of the hearing were going to be "in public" (albeit in name only), until the trial was underway. If the trial had *actually* been held in public, in any *meaningful* sense, I do not believe that his lordship would have had the *audacity* to deliver as distorted an account of the proceedings as he has, surely ~~have been~~ witnessed as he would have been by a great multitude of people, as attended earlier hearings.

10A. Nevertheless, "distorted" though I say his lordship's account of the proceedings in his judgment may have been, he made the findings of fact that I hoped he would make,

for me to win (or so I thought) at least a declartion that my Convention had been breached. His few demonstrably mistaken findings of fact were relatively unimportant, confined to certain small details where the documentary evidence provided by the Defendant (now Respondent) contradicts his lordship (which I will come to). The main findings of fact that Mr Justice Dingemans made in his judgment are very close to the facts that I pleaded, and which I know to be true, and set out to prove: So close that (frankly) I am at a loss to know why his lordship did not at least make a declaration that my Convention rights were indeed infringed, even if he had not found it apt to award me a single penny damages based upon the Convention doctrine of Just Satisfaction.

11. At **paragraph 24**, his lordship says, "I am satisfied and find that it was the police who told M that there should not be contact between S and A during their investigation." This is a surprising finding, in that it flies in the face of the council's own admissions in its documentation and in the evidence-in-chief of SW. A more correct finding of fact is undoubtedly "six of one and half-a-dozen of the other" (so-speak). The pressure put onto M to stop S seeing A was a joint enterprise, in which the police and the council worked together. The initial decision was a police decision, but the council went along with it. When, in due course, I assemble the Appellant's Supplementary Bundle (ASB) to accompany the Appellant's Core Bundle, I will label as **Joint Enterprise Evidence** the index entry for the pages from the trial bundle that I include in the ASB, that prove what is asserted in this paragraph 11 of my appeal skeleton argument.

12. At **paragraph 27**, his lordship says, "In evidence A suggested that the council should have promoted a reconciliation between A and M. The evidence before me did not suggest that any attempted reconciliation would have worked."

13. That which his lordship said I suggested in evidence, was also a key part of my skeleton argument for the trial, and was in my closing submissions. The council's failure to try to promote reconciliation, flouted the public sector equality duty. To have absolutely no regard at all to the need to foster good relations between men and women (as SW admitted), especially between the man and the woman who are parents of the same safeguarded child, cannot meet the statutory obligation to have "due regard" to that need. This isn't a mere technicality. The Equality Act should have changed social work, putting an end to the vice of only listening to one of a child's parents, and deciding to eliminate the other, behind closed doors, which his lordship's findings of fact amply confirm is precisely what happened in this case. The facts his lordship has found, fly in the face of the public sector equality duty, and take the social work to the wrong side of the law, outwith the Article 8.2 criteria.

14. Social work is *per se* an interference with the Article 8 right. If social work is undertaken in a manner that flouts the public sector equality duty, as this was, then it is not undertaken "in accordance with law" for Article 8.2 purposes. That was pleaded and argued. But his lordship has glossed over that point (and many others). He has made a mere guess that the council wouldn't have been able to foster any better relations. He said that the evidence before him did not "suggest" that would have worked. But the council didn't even try. The council ignored its public sector equality duty. That made their social work unlawful. His lordship seems to recognse this in his judgment, and then, somehow, to lose sight of it. Neither party brought any evidence as to what "would" have happened, if the public sector equality duty hadn't been derelicted. How could there be such evidence?

15. In fact, I specifically cross-examined SW about this very point. Her reply made it clear that she considered that the *only* law governing her activities, which she needed to take into account when striving to ensure that her social work was conducted "in accordance

with law", was The Children Act. She considered the public sector equality duty *irrelevant* to her job. On the strength of that admission alone, I should have won my declaration. (At this "permission" stage", I won't be *able* to include *documentary* evidence, plundered from the trial bundle, in my Appellant's Supplementary Bundle, to proof that SW **admitted orally** this dereliction of her public sector equality duty in the witness box. I will apply for a transcript of her oral evidence given under my cross-examination, **if** I obtain permission to appeal, and the substantive appeal is contested, and the court considers, then, that this admission of dereliction of the public sector equality duty is a piece of evidence upon which the appeal might turn.)

16. At **paragraph 32**, his lordship says, "I accept and find that M did not want contact between A and S. It is not for me to determine whether that was a reasonable approach for M to have taken."

17. His lordship has misdirected himself badly at this point, as to what facts it was for him to determine. The council made a decision to support M in her decision. Whether the council's decision to support M's decision was reasonable, hinged upon whether M's decision itself was reasonable in the first place.

18. Of course, technically, the correct test in Article 8.2 isn't reasonableness, it is "necessity", which means proportionality, but the same argument applies. The only way of determining whether the council acted proportionately to a legitimate aim when supporting M's decision, rather than (say) objecting to M's decision in the strongest possible terms as the public sector equality duty demanded it should, would be for his lordship to answer the preliminary question, whether M's decision was itself proportionate to a legitimate aim - an aim, that is, which it would have been legitimate for the council to have. It follows that it was most definitely for his lordship to

determine, whether M's decision was proportionate to a legitimate aim, so that he could deduce from that determination, whether the council's support for M's decision was proportionate to the shared legitimate aim. If the proportionality of M's decisions is what he meant by "a reasonable approach" on M's part, then he misdirected himself badly, when saying that this was not for him to determine whether M's was a reasonable approach.

19. The test of necessity (proportionaliy) in Article 8.2 should be objective, not subjective, God's view, so-to-speak, not that of any individual, or the state, or any employee subsequently accused of the HRA tort. Anything less than insisting upon applying an objective test in pursuance of Article 8.2, tips the balance of power between the state and the individual too far in favour of the state. If a measure is more harsh than the minimum harshness objectively necessary to meet the legitimate end, it must not be left wide open to the public authority to defend its interference in the Article 8 right by pointing to an employee's well-intentioned state of mind, her subjective belief in the necessity for any harshness in excess of that maximum allowed interference which (we now realise) was the minimum that was objectively necessary at the time. The public sector must do more than do its best. It must get everything right. The HRA tort is not a crime, that requires a *mens rea*. It is an objective fact, a wrong-doing of the state, against an individual, that nobody need have been able to realise at the time was a wrong-doing (except, perhaps, the victim.)

20. At **paragraph 35**, his lordship says, "In my judgment A lacked the insight into the fact that he had not, in his first referral to the social services department, expressly referred to the fact that M was coaching S to make an allegation against him." What his lordship calls a "fact", was not true. The referral he mentioned was right there, in the trial bundle, and was drawn to his lordship's attention. It contained the following sentence: "The father has reason to believe that the mother or the grandmother may have

coached [S] (who is still not talking in full sentences to any great extent, and does not yet understand the importance of telling the truth) to utter the false allegation, 'Daddy smack'." His lordship was, at this juncture in his judgment, not concentrating on the evidence. I will label as **Coaching allegation proof**, in the ASB index, the pages plundered from the Defendant/Respondent's own prolific contribution of documentary evidence to the first-instance trial bundle, filed consecutively in the ASB,which prove his lordship's mistake on this point. His lordship error in finding of fact here is grave. As well as the referral form that I completed, the very first document in section G of the trial bundle ("Defendant's documents"), is a social worker's note of a telephone conversion before I made the written referral, which mentions my coaching allegation made over the telephone, before I repreated this in writing on the referral form.

21. At **paragraph 41**, his lordship, in the context of the police reading my blog posts and alerting social services, mentions my essay parodying that of Michael Swift. However, SW, in her witness statement, places that liaison *before* the meeting of 23rd May 2013 (as it obviously must have been, for her to have questioned me about my blog at the meeting). I did not publish "The Homophobic Manifesto" until 17th June 2013. (That later date is clearly visible in the trial bundle, where the manifesto is annexed to the welfare report.) The manifesto wasn't a *cause* of the council's concerns. It was my distressed response some weeks *later*, to the realisation that I was in danger of never seeing S again, because of the council's expressed disapproval of my admittedly homophobic beliefs. In the ASB index, I will mention the proof of this – one page from the annex of blog posts to Welfare report that the Defendant contributed to the trial bundle – as **Manifesto date proof**. This is another example of what I call "chronological fallacy", when some fact is said to be caused by (or justified by) a later fact.

22. **At 43**, his lordship says, "I find, that SW took the comment literally, and having taken it literally was understandably concerned about it." In reply, I say (again) that the Article 8.2 tests are objective, not subjective. His lordship was required (for the purposes of the necessity or proportionality test) to make a finding of fact whether what SW did – *any of it* – was worse than would have been the minimum needed, in the light of the true facts. Not, that is, merely in the light of the facts as SW mistakenly believed them to be at the time. That would be to apply the wrong test, a merely subjective test. With a subjective test, instead of the objective test of Article 8.2, a wronged party effectively has to prove malice on the part of the public servant who has wronged him. It makes a joke of the Convention to require that.

23. Any doctrine that the Article 8.2 test is subjective, which doctrine seems to be lurking behind his lordship's thinking in many places, is simply unsafe. The HRA must even provide remedies for honest errors, once they are discovered, as they were, in this case. His lordship found that hindsight enables us all to realise that certain things could have been done better. Proportionality is a doctrine about getting the measure of something exactly right, erring on the side of caution when in doubt. If I had really been of the school of thought that didn't regard infants as legal persons, then perhaps parentectomy was the least needed to safeguard my son, though I don't see why. But, thanks to his lordship's finding of fact, we all now know that I *wasn't* of that school of thought. Parentectomy (even temporary, with an intention to get the county court to rubberstamp it later) was inflicted because of a mistaken belief on SW's part, not because it was *actually* "necessary", as Article 8.2 puts it. Parentectomy was not the proportionate decision, in the light of the *true* facts, as his lordship found them to be, even though SW may have acted in good faith.

24. The email of SW quoted extensively at **paragraph 47** of the judgment, proves, incontrovertibly, that SW had made up her mind, before hearing from me. His lordship

has simply skated over my argument that it violated *Audi Alteram Partem* for SW to make what was clearly a quasi-judicial decision, without hearing from me at all (other than my sporadic complaints by telephone that I was not being listened to at all).

25. In my skeleton argument, I had argued that child safeguarding social work engaged Article 8~~.2~~, and was more-or-less always a potential breach of ~~my~~ Convention rights, unless it was conducted "in accordance with law". I argued that, in an English Common Law jurisdiction, social work that was not compliant with Natural Justice, was not capable of being in accordance with law for Article 8.2 purposes. Nowhere in his judgment, has his lordship acknowledged this argument of mine, central to my claim though it was, let alone refuted that argument.

26. I rely upon the findings of fact at **52** and **53** of the judgment. What his lordship found, was that there had been different treatment of me, because I had the beliefs I had. (They were strong, non-negotiable and uncompromising beliefs.) I therefore consider that I was entitled, and possibly even obliged, to "disengage". More to the point, I thought it ***wise*** to disengage. I am not convinced that engaging further would have done anything other than to have provided more "ammunition" against me, in the already made-up mind of SW. SW was clearly attempting to provoke me, by challenging me about moral beliefs of mine that were of no relevance to my parenting of a two year-old. She was on a "fishing expedition" (so-to-speak).

27. At **56**, his lordship found that "SW did continue saying that she was trying to understand A's views and whether he was able to negotiate and compromise ...".

28. That finding of fact falls squarely within the facts I pleaded. This was *exactly* what I set out to prove at trial, in order to prove that there had been *discrimination* against me

because of my beliefs. Having found that SW was keen to discover whether I was a negotiator and compromiser (I am not) or a stalwart, a bigot, somebody opinionated (I am), how on earth did his lordship then persuade himself that this wasn't different treatment of me *on the grounds of my beliefs*?

29. I think the reason must be that his lordship erred gravely in his utterly wrong construction as to what it means to treat somebody differently *because of his beliefs*. His lordship considered that that concept relates, very narrowly, only to the *content* of beliefs. I say that is is the law – and the CA must say that the law says this too or else the state will be able to bully dissidents with impunity - that it also covers, more broadly, the *strength* of beliefs too, that become the grounds of discrimination.

30. Properly understood, I say, his lordship *contradicts* himself, by making his false distinction between *protected* content of beliefs and (he implies) *unprotected* strength of beliefs. He made a finding of fact that I was interrogated about my beliefs, in order to inform decisions about me that touched upon my Article 8 right. He found that it would have been wrong to treat me less favourably because of *what* it was discovered I believed during that interrogation. However, he found, and considers it perfectly *acceptable*, that I was merely treated differently because of how *strongly* I believed what I believed, not because of *what* I believed. He noted that I hold strong beliefs, which I am and shall forever hope to remain unable to negotiate or compromise about. These are beliefs which I was not willing to debate with SW, in that context, because my beliefs were not relevant to her task, or at least, *ought not to be*.

31. His lordship has therefore made the finding of fact that I most needed him to make. The fact that I was sure would guarantee me victory. He found that there was an inquisition into my beliefs which was undertaken in order to inform a decision about how to treat

me. He found that I was treated differently, because my beliefs were too strong. However, he considers the *strength* of my beliefs to be something because of which a public authority is *permitted* to treat me differently, even though the same public authority is not entitled to treat me differently because of the *content* of my beliefs. I don't see how the CA can possibly declare that that is the law. It must reject this Dingemans Doctrine. Are we only free to believe what we want? (His lordship's doctrine of lesser freedom.) Or are we also free to believe what we believe as stubbornly and as vehemently as we wish? (The greater freedom which I believe the draughtsmen of the Convention intended to bestow.)

32. If his lordship's narrow doctine is wrong, and mine is right, it follows, as night follows day, that I was the victim of beliefs discrimination, in Convention terms, and should have obtained judgment in my favour, for that reason alone.

33. At the risk of labouring the point, let us see where his lordships doctrine takes us, if we embrace it. His lordship's doctrine, that beliefs discrimination only concerns content of beliefs, not also strength of belief, is the doctrine of the heresy trial. A "heretic" is often promised that he can avoid being beheaded or burnt at the stake, by being willing to negotiate and/or compromise, for example by signing this or that recantation. It is enough that he signs. He doesn't have to prove sincerity.

34. Many have avoided martyrdom by negotiation and compromise, hoping for God's forgiveness after they have saved their own skins. Others, made of sterner stuff, preach exactly the same "heresies" as those who save themselves by signing recantations when the heat is on. But the latter simply cannot bring themselves to sign the recantations put under their noses. Their beliefs may be identical in *content* with those who signed

recantations to save their necks. But their beliefs are *stronger* than the beliefs of those who negotiated and compromised their way out of trouble. So, they die.

35. Every conscientiously homophobic Christian knows the politically correct script he is expected to parrot, with fake sincerity, when asked by a social worker how he would feel if his son or daughter chose homosexuality. We all dread that moment of decision, that testing of our faithfulness. When that test comes, some of us find grace to refuse to play along with that game. I found grace myself, in my hour of trial, thank God. I deliberately decided not to negotiate or compromise with SW, because I believed that it was my duty instead to challenge the entire practice I was being subjected to, for what it undoubtedly was, a modern day heresy trial. The very characteristic of firmness that cost me my relationship with my son, which SW perceives as a vice, I perceive as a virtue, and I thank God I found it in me to do as I did, and would do the same again.

36. **At 52**, his lordship says, "However it is also right to record that the fact that SW said that she believed S before hearing from A was unfortunate." I say that it was more than unfortunate. It was a breach of Natural Justice which took the council's social work out of the safe category "in accordance with law" of Article 8.2, because Natural Justice is a doctrine integral to the law of this country.

37. His lordship adds, "it was important to ensure that the process was fair so as to command confidence". It was important, because fairness ~~it~~ is a requirement of English Common law, not "the icing on the cake" (so-to-speak) that it'd be nice to have too, merely in order to "command confidence".

38. I pleaded, and I argued in my written skeleton argument, and in closing submissions, that it was a *legal requirement* that the social work process should be fair. If the local

authority was not willing and able to do the necessary social work fairly, it should not have done it at all. That, I say, is the law of England. His lordship has made important findings of the facts on which I relied in my statements of case. But his lordship has overlooked my argument, set out in writing in my skeleton argument for the trial, that if the Defendant broke two laws (Natural Justice and the Public Sector Equality Duty), which his lordship's findings make it abundantly clear it did, then it is no defence to say that at least the defendant kept a ~~thrid~~ third law (The Children Act). "In accordance with law", in Article 8.2 does not mean, "in accordance with some laws, but against other laws".

39. This finding in **paragraph 54**,

"A replied that SW was 'not very clever' that it had been read out of context and that SW did not understand satire and black humour. A did say it was his way of using the pro abortion arguments to an older child, saying it was his way of explaining that the argument was not valid, and that SW was stupid if she had taken it as his view."

and this finding in **paragraph 55**,

" A did not bother to explain in clear terms to SW that he was attempting to parody arguments of those in favour of abortion, and that he had not intended the comment to be taken literally"

are mutually contradictory.

39A Depending upon how strict or lenient the court is in allowing me time to file my bundles, I may include pages in the ASB, called in the ASB's index **Proof of explanation re "hardly a person"**, gleaned from the Defendant/Respondent's own documentary evidence that was in the first-instance trail bundle.

40. Again, **at 55**, "I also find that SW continued to take A's comment in his blog about an 8 month old child 'hardly' being a person literally ...". That may be so. However, the tests in Article 8.2 (lawfulness and proportionality), are objective tests, not tests to which the state of mind of the public authority tortfeasor is relevant.

40A. Human Rights Act causes of action are not a "zero sum game", in which a plaintiff can only win at the expense of a public employee having a black mark against her. The Human Rights Act allows public authorities to be found liable for honest mistakes that don't involve malice. His lordship's finding that my treatment was unfair, though not malicious, should logically have led to a declaration that my Convention rights were breached.

41. Again, **at 55**, "she was concerned about it given the history of A's mental illness." At that stage, there was no evidence of a history of mental illness upon which any rational concerns could be founded. (Nor is there in the present day, as it happens.) Secondly, there is no rational connection between mooting unusual doctrines about when infants become legal persons (if that had been what I was doing – and his lordship found that I *wasn't* doing this), and mental illness. Again, it is not his lordship's duty to make excuses for what the SW did, which he admits was unfortunate and unfair, by reference to SW's state of mind. Article 8.2 is an objective test, of lawfulness and necessity, not a subjective test of the tortfeasor's beliefs or intentions, her state of mind.

42. At **paragraph 57**, his lordship seems confused again. The context of his finding at 57 appears to be the meeting of 23rd May 2013. The Homophobic Manifesto was not published until 17th June 2013. I wrote it *because of* the meeting, not *before* the meeting. See **Manifesto date proof** in ASB.

43. **At 57**, his lordship finds, "A did not seem to have insight into the fact that heading his own essay 'the homophobic manifesto' might give rise to concern about whether A would let S develop his own views and beliefs." I was well aware that my essay was provocative. I understood the concerns it might raise, but I believe the opposite of what those who would have such concerns believe. What they call good, I call evil, and *vice versa*. They believe that to raise children to be what they call "heterosexual", is child abuse. We believe that to raise children to believe that homosexuality is good and normal, is child abuse. His lordship heard no evidence on which to base this finding. I see no rational connection between "concern about whether A would let S develop his owns views and beliefs" and my essay title (parodying the common name of the essay I was parodying – the Homosexual Manifesto). I had "insight" into the "fact" that we openly homophobic people are a persecuted group in the UK nowadays, and that those who persecute homophobic people seem to feel self-righteous about this, as though we formed an exception to the usual taboo against persecuting specific groups in society. I do not agree that dissident intellectuals ought to be careful, lest the authorities might wish to punish them with the loss of their children. Such caution was necessary in Stalin's USSR, but it should not be necessary in David Cameron's or Theresa May's Britain.

44. But his lordship is missing the point anyway. He again resorts to chronological fallacy. I only wrote that piece (The Homophobic Manifesto) 25 days *after* the meeting. It was an expression of my sheer disgust with the persecution of decent, law-abiding, and conscientiously homophobic people, the most worrying example of which I had come across, was myself. It is one thing to try to drive out of business a baker who refuses every order to decorate a gay cake. It is in another league altogether, to interrogate a natural parent about the morals he hopes to pass on to his own son, when what hangs in the balance, is whether he will be allowed to have a relationship with his son at all. Yet

the latter is what happened. His lordship's findings of fact are more-or-less what I set out to prove: precisely that.

45. **At 58**, "The meeting concluded with A sharing his view about SW's bias, and that she was looking to get A out of S's life." The email from which his lordship quoted in **paragraph 47** of his judgment, from SW to M, proves beyond a shadow of doubt, that SW was indeed looking to get me (A) out of S's life, and that she was biased in the sense that she had made that decision without meeting or hearing from me, contrary to Natural Justice.

46. **At 59**, his lordship says, "A should have been prepared to explain what he was intending to communicate to SW". Elsewhere he finds that I *was* prepared to explain what I was intending to communicate. SW's notes and documentation galore minute that I actually did explain. His lordship says, "If A had taken the time to explain that the blogs were not to be taken literally, there is no doubt that the meeting of 23rd May 2013 would have been much easier for both A and SW." But the innuendo here, that I didn't take the time to explain, is flatly contradicted by the documentary evidence and the witness statement of SW, in which she repeats my explanation. That I didn't explain is a flawed finding of fact that his lordship *himself* contradicts, when he finds that SW continued to have her concerns, even after my explanation. In the ASB index, I will label the ASB pages that prove that I *did* explain, **Proof of explanation re "hardly a person"**.

47. Again, his lordship writes, "A was at liberty to continue publishing the blog in that form, but it would have meant that SW's proper concerns formed because she had read the blogs literally were properly addressed." SW had concerns that may have been *subjectively* proper at first (there were never any such concerns that were *objectively* proper), but only up until the moment when it was explained to her that she had

completely misunderstood the "hardly a person" phrase. After that, SW had only *improper* residual subjective concerns. His lordship seems altogether too keen to exonerate SW. He exonerated SW subjectively. By acknowledging that SW was mistaken in her literal interpretation of "hardly a person", his lordship ensured that if only he had applied the correct, *objective* Article 8.2 test of necessity, he would have found any interference based on the misinterpreation to be unnecessary, and should have made a declaration to that effect.

48. **At 60,** his lordship says that SW "was very unlikely to change her view without an explanation from A about his blog." His lordships judgment is self-contradictary as to whether or not I did offer SW an explanation about the "hardly a person" phrase. However, the written evidence, in the bundle, including SW's own note and witness statement, is unanimous, that I *did* deliver to SW the explanation about which his lordship cannot make up his mind as to whether I delivered it or not, and that she understood it, because she was able to paraphrase it in her own words with no violence to the meaning. See **Proof of explanation re "hardly a person"** in ASB.

49. **At 61**, his lordship says, "I am satisfied that SW's recommendation that A should not have contact with S was not made because A believed that abortion and same sex marriage was wrong". His lordship is entitled to be satisfied of that. However, his lordship also implies, and says so elsewhere, that the reason why SW's entrenched intention was not tempered at the meeting, was because of the firmness of my beliefs. Had I shown myself willing to negotiate and/or compromise, then SW might have relented. But I wasn't, and shouldn't have to be, willing to negotiate and compromise, about abortion and homosexuality, the worst crime and the crime against nature, in order to avoid the dire outcome inflicted upon me because I was unwilling to negotiate or to compromise.

50. **At 61**, his lordship also indicates that SW was still siezed of her belief, which he has found in his judgment to have been mistaken, that my use of the phrase "hardly a person" was sinister, a cause for concern. Subjectively, in SW's mind, the phrase was sinister. Objectively, his lordship has found, that phrase was not sinister. In determining whether the parentectomy imposed upon me was proportionate to a legitimate aim, his lordship should have used the objective test, and found that my Convention right was breached, not the subjective test, finding that the SW didn't realise that my Convention right was being breached, and therefore it wasn't, as his lordship argues.

51. **Paragraph 62** concludes, "The failure to ask the questions in a different way did not amount to any relevant breach of duty." There is no reasoning to support this bald assertion, anywhere in the judgment. However, his lordship was not required to determine whether the social worker had done her duty or breached it. He was required to determine whether her performance of her duty fell safely within the criteria of Article 8.2, which refers to lawfulness and proportionality. His lordship is satisfied that I proved breach of Natural Justice in a quasi-judicial function, which is itself unlawful. I also proved neglect of the public sector equality duty, which is also unlawful, although his lordship seems to have forgotten this. I proved different treatment of me because I held pro-life and homophobic beliefs with such vehemence that I disengaged rather than negotiate or compromise about those beliefs, with the relevant comparator being somebody with the same beliefs as me as regards the content of the beliefs, but without my vehemence, which I am not ashamed to say can be formidable.

52. In reply to **paragraph 63**, I had finished my email sending SW my family's contact details (which email was in the bundle) with these words, "Please don't bother to phone them if, as your extraordinary behaviour today implied, your mind was already made up before you met me, and no amount of evidence would be capable of changing it." In her evidence, SW stated that she had not contacted my family, because I had *asked her not*

to. This was obviously a reference to these closing instructions, not to bother phoning my family *if a certain condition applied*. In other words, SW admitted that my conditional clause, "your mind was already made up before you met me, and no amount of evidence would be capable of changing it", did indeed apply. See, in ASB, **Emails**.

53. **Last sentence at 74**, "It was noted that A believed that he had been stopped from seeing S because of SW's belief that he was pro abortion and homophobic, but that was not the case." His lordship must mean "pro life", or "against abortion". That was not the case, only if one accepts the doctrine that treating somebody differently because of the strength of their beliefs is morally superior to treating them differently because of the content of their beliefs. Who can tell whether it was "the case"? The point is that at no stage, ever, did SW reassure me that "that was not the case". The only explanation I was *ever* given, was concern about S being exposed to my strong beliefs. If I believed that which was not the case, because I was never told different, who is to blame for that? My lord, I should not have to endure four years of litigation, to be told only at trial that I'd got hold of the wrong end of the stick. The Defendant could have told me that in 2013 immediately I began correspondence before action, raising complaints based upon what I had been led to believe, and so on.

54. **Content of the judgment from 74 onwards** concerning the private family proceedings may be interesting, but they are not germane to the pleadings. My Particulars of Claim state that I do not impugn the family court process in these proceedings. If I had done so, that part of my claim would rightly have been struck out as an abuse of process, an attempt to relitigate. It is a symptom of his tendency towards chronological fallacy for his lordship to think that it could possibly be relevant for him to recite events that happened about eight months after my claim accrued, about which I had pleaded nothing.

55. **At 86**, “SW was also entitled to consider the strength of A's views”. This makes explicit his lordships the doctrine, which I say is wrong in law, that SW was entitled to consider the strength of my views, even though she would not have been permitted to consider the content. I have already argued at length how utterly unsafe and unworkable a doctrine that is. The state will always be able to say, of those with beliefs it dislikes, that what they dislike about the beliefs is their strength not their content. That is making it too easy for the tyrant.

56. **At 88**, “I should record that it is apparent that the way in which SW reported her concerns about A's views to A in the meeting of 23rd May 2013 was not, as SW fairly accepted with the benefit of hindsight, the best way of approaching the matter. This is because it led A to become disengaged with the process, in part because of his misunderstanding about the legal effect of *R(Johns) v Derby County Council*. This meant that SW was not able to communicate that it was her concern about whether A would permit S to develop his own views because of the strength of A's views rather than an attack on A's views, that was in issue.” “Not the best way” is virtually the same as saying that the way this was done was not proportionate to the legitimate aim, of testing my parenting skills by trying to start an argument with me about foetal homicide and sodomy. The court, with the benefit of hindsight, can and should find a breach of Convention rights, when social work was conducted with greater cruelty than it needed to be conducted with, even though, at the time, the tortfeasor did not realise this, thinking (without the benefit of hindsight) that she was using the minimum amount of cruelty necessary in order to achieve her legitimate aim. (Cruelty? I mean “interference”, of course.)

57. **At 89**, his lordship says, “SW's approach did not involve any infringement of A's rights.” But clearly it comprised an *interference* in my Article 8 right, even though it might have been capable of being lawful and proportionate. That is the *nature* of this

kind of social work. I had indeed invited that interference, by referring my son myself. But I had made the referral in the expectation that the approach used in that social work would comply with Natural Justice, the public sector equality duty, the requirement of Article 14 not to discriminate against people because of what they believed, or how strongly they believed whatever they believed, and so on.

58. When I read his lordship's **paragraph 90**, it appears that he makes the key findings of the facts I pleaded. Almost every fact I pleaded, somewhere in the judgment, his lordship finds to be true. The purpose of a reasoned judgment includes enabling the loser to know why he has lost. The more I read this judgment, the more cognitive dissidence I experience. There are only minor facts I pleaded, of only slight importance, that his lordship could not bring himself to find were true. His lordship having found that I was truthful generally, and nearly everything I had said happened is exactly what did happen, my expectation would have been that I should have won this claim. I do not find in this judgment, any comprehensible explanation as to why I lost. Specifically, why didn't his lordship make a declaration that my Convention rights had been infringed?

59. His lordship is mistaken, when he says, **at 94**, that "there is no pleaded issue about the public sector equality duty". Paragraphs 4, 21, 27, 37 and 38 of the Amended Particulars of Claim plead non-compliance with the public sector equality duty. My skeleton argument argued expressly that there had been no compliance with the public sector equality duty. In paragraph 4 of the defence, the Defendant pleads, "The Claimant is required to state how, why and when the Defendant is said to have breached its [public sector equality] duty." The Amended Reply To Defence incorporates the (original) Reply To Defence, which specifies the alleged breaches of the public sector equality duty, in its paragraphs 20, 21, 22, 23, 24, 37, 39. Because the pleaded and

argued breaches of the public sector equality duty were omissions rather than acts, the onus of proof of adherence to the duty necessarily lay upon the Defendant.

60. Moreover, SW was cross-examined as to her compliance with the public sector equality duty, when I asked her what regard, if any, she had had, at any stage at all, to the need to foster good relations between the man and the woman who were the parents of S. She replied to the effect that she had had no regard at all to that need, because she was following a procedure that derived from The Children Act, a function to which the public sector equality duty was, she indicated, irrelevant, as far as she understood her duty. Yet the public sector equality duty (Equality Act 2010 s149), enacted after the Children Act, says that the public sector equality duty applies to all the functions of a public authority; not all the functions *except* child safeguarding social work; *all* functions. It was noted in final submissions that the Equality Act does not confer a cause of action, upon somebody who considers he has been harmed directly by a non-compliance with the public sector equality duty. I clearly remember replying to this point, saying that a breach of the public sector equality duty can nevertheless prevent an interference with the Article 8 right from being "in accordance with law", as required to benefit from the qualification of the Article 8 right that is set out in Article 8.2.

61. His lordship points to lack of evidence of non-compliance. But the non-compliance was an alleged omission rather than an alleged act, with the burden of proof therefore resting upon the Defendant to prove compliance. The SW admitted not complying with the public sector equality duty, saying that it didn't apply to her job. There was a complete lack of evidence that the Defendant, at any stage, had any regard at all, to the need for it to foster good relations between men and women. On the contrary, it is difficult to read certain of the hundreds of pages of documentary evidence which the Defendant disclosed, without gaining the impression that the Defendant was determined to prevent detente, and that that was how he Defendant usually carried on.

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A v Cornwall

APPELLANT'S SUPPLEMENTARY BUNDLE INDEX

including commentary on each item of content to explain its purpose

Document	**Pages**
1. **Claimant's skeleton argument** for the trial at first instance in the High Court (included to support the appellant's appeal ground and skeleton argument argument to the effect that the learned judge's judgment failed to address the case that the appellant had actually pleaded and argued throughout)	**ASB-1 - ASB-5**
2. **Joint enterprise evidence**	**ASB-6 - ASB-10**

Evidence that the police and the Defendant worked together, and should be held jointly and severally liable for their joint, flawed and Convention-rights abusive decisions and their implementation

Comprising trial bundle pages B23, B24 and B26 – B28, being pages 6, 7 and 9-11 of the main witness statement of SW, for the exibition to this appeal of paragraphs 13, 14, 15, 16, 24 and 25 of that witness statement, to proof of the joint enterprise argued in the appellant's perfected skeleton argument at the permission stage; any manuscript annotations being those of the Defendant, added to all copies of the trial bundle before the trial, including the judge's copy.

The learned judge seeks to mis-suit a litigant in person, as regards one of his sound grievances against the British state as whole, implying that he had sued the wrong public authority of two, the police and the Defendant, when the two had been in cahoots every step of the way. These five pages of the Defendant's principal witness's own witness statement abound with refutation of any such simplistic would-be evasion of state liability. The police and the Defendant were as thick as thieves throughout.

Document **Pages**

3. **Coaching allegation proof** **ASB-11 - ASB-17**

Proof that the learned judged erred in his finding of fact that the appellant "lacked insight" that the appellant had not raised an allegation of coaching when he made his referral on 3rd April 2013

Consisting of the referral form itself showing the allegation being made in writing (from the Defendant's disclosures); preceded by notes of the Defendant's of two telephone conversions that day in which the appellant made exactly the same coaching allegation orally.

Pages G1 thru G7, being **the first 7 pages of social work records in the trial bundle!**

(It is difficult to see how the the learned judge managed to miss the **first seven pages** of the **social work records**. One might have imagined that these would be amongst the first pieces of documentary evidence that he would have looked at when preparing to write his judgment.)

See especially G1 and G2 and G5.

4. **Manifesto date proof** **ASB-18**

Comprising trial bundle page G134, the first filed of 15 pages in total (when printed out) of the appellant's blog content, which were annexed to the Welfare Report that the Defendant produced for the county court after the accrual of the claim, in part based upon this very "inquisition" (as the appellant/Claimant put it in his Particulars of Claim) into the appellant's moral beliefs, as expressed on his blog.

The date of the blog post, **17th June 2013**, some weeks after the meeting of 23rd May, is visible near the top of this page G134.

Your lordship is welcome, along with the rest of the world, to read the appellant's public blog, including the entire essay entitled **The Homophobic Manifesto**, and (for example) to read other internet content to which the blog links, for example the famous 1987 essay published in Gay news known as **The Homosexual Manifesto**, which the appellant's own essay **The Homophobic Manifesto** parodies.

Document **Pages**

5. **Proof of explanation re "hardly a person"** **ASB-19**

Comprising page G80 from section G of the trial bundle (the social work records disclosed by the Defendant).

This page shows that the learned judge erred, when he found that that I had "lacked insight" into the alleged fact that I hadn't explained what I had meant when I had used the "hardly a person" phrase in the pro-life, satirical blog post "Catherine Schaible's right to choose".

For precision, please note that the actual words I had used in my essay **Catherine Schaible's right to choose** on my blog had been, as follows:-

"Recently, another of her [Catherine Schaible's] **five children, who was only eight months old, hardly what you'd call a 'person' yet, also fell ill and died. Again, she hadn't called the doctor."**

G80 contains SW's own notes on the meeting of 23rd May 2013. She recounts accurately my explanation of the phrase (almost) "hardly a person", proving that I did explain, at the meeting, that which the learned judge found (temporarily, at one stage, before continuing to contradict himself), I *hadn't* explained, lacking insight into the fact that (he said) that I had omitted that explanation.

The social worker wrote (in the 4th Paragraph on page G80):

"He explained that it was his way of using the pro-abortion argument to an older child. He said that this was his way of suggesting that the argument was not valid." [QED]

It follows that the learned judge was *right* when he made his *contradictory* finding, that SW had persisted in her mistaken, overly literal misinterpretation of my "hardly a person" rheotoric, *after* I had explained what (elsewhere) he says I lacked the insight to realise I *hadn't* explained.

The learned judge really ought to have taken the opportunity this claim afforded him, to send out a strong message, that social workers ought not to be browsing the internet, in search of politically incorrect essays blogged by parents with minority beliefs, whom they have already judged unfit parents without meeting them, in the hope of finding a rhetorical phrase here or there to misinterpret literally, as a pretext for depriving a child of one of his two parents, permanently, and to deprive the political incorrect parent target of his child.

Please ignore the crossed-out hand-written comments on the image of page G80.

Document **Pages**

6. **Emails** **ASB-20**

A misnomer, this section contains only *one* email, not email*s* (plural).

This copy comes from section H of the trial bundle, “Claimant's evidence”, page H8 of the trial bundle.

The appeal ground and skeleton argument argument which this email evidence supports, is that SW had a made-up mind, before the meeting of 23rd May 2013, which no amount of evidence would dislodged. SW was cross-examined as to why she had not contacted my other four children, three of whom are now parents of my grandchildren, or my sister, and had repeated what the social records confirmed, that I had “told her not to”, in this email.

The learned judge erred in his failure to take his correct finding of fact that the SW had been biased against me, to its their logical conclusion, concluding that there had been a breach of Natural Justice, and of the Public Sector Equality Duty, and hence of the lawfulness test of Article 8.2.

My lord, please read this H8 email in conjunction with paragraph 52 of my appeal skeleton argument, and ponder the implications, with particular attention to the final sentence of the email, and to the assertions of fact in paragraph 52 of my skeleton argument, which I undertake to prove from documentary evidence alone (if necessary), if only you will grant me permission to appeal.

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
EXETER DISTRICT REGISTRY

A88YJ875

Between

Mr John William Allman

Claimant

and

The Cornwall Council

Defendant

CLAIMANT'S SKELETON ARGUMENT

Evidence

1. The contents of the bundle that I expect to spend most time looking through with the court, and which will inform my cross-examination of the Defendant's witnesses, are the witness statements, my referral of my son to social services on 3rd April 2013, the Section 47 report, the Section 7 Report, Sections H and I of the bundle, and the Listening and Learning leaflet.

2. I have been permitted no direct contact with the witness Mrs Julia Slater, the health visitor, that could have enabled me to take from her a thorough witness statement, due to sparse co-operation on the part of her employer, who took her sparse witness statement, such as it is. However, evidence Mrs Slater probably has, which isn't in her witness statement, is likely to be rather important. I therefore shall need the opportunity to take from her oral testimony in chief. I have had to summons her, albeit at her employer's insistence rather than hers. In the unlikely event that I discover that I need permission to examine her as if she was a hostile witness, because her memory seems poor and needs jogging with a leading question or two, then we'll cross that bridge when we come to it.

3. I have decided not to call my witnesses Keith Frost and Andrew Bull. If permitted, I should like to admit their witness statements, untested. If the court does not allow this, I am happy to do without their written evidence. Their evidence relates only to the surrounding circumstances in which the video evidence was filmed. The video evidence largely speaks for itself.

4. I would like, please, to spare Mrs Domnica Zaharia from cross-examination too. In any case, her testimony only corroborates my own victim-impact testimony, relevant to quantum of damages. It does not go to evidence as to whether there is any liability at all. If necessary, her evidence can be omitted altogether.

5. I have not yet been able to track down Mr John Holtan, who is Norwegian, who has recenly moved to a new UK address unkown to me, and who I know was recently out of the country, in the USA. His evidence also relates only to victim impact and hence quantum. His testimony, in this claim, goes to evidence as to magnitude of the damage to my private and family life that I say is attributable to breaches of my Convention rights on the part of the Defendant.

6. During the trial period, I shall make myself able (but only if necessary) to respond to any nasty surprises in the Defendant's evidence, by retrieving, ad hoc, documents stored electronically on my computer that have not have been included in the printed bundle. (Documents that turn out to be needed may have been omitted from the bundle despite my requests to the Defendant's solicitor for their inclusion. Or, it may not have been possible to anticipate the need for other documents that are omitted from the bundle.) Any documents on my computer but not in the bundle, upon which I discover at trial I might need to rely, **will already have been disclosed**. All of them either will have **originated with the Defendant** in the first place (e.g. social work records that the Defendant's solicitor didn't put into the bundle), or will have been **served upon the Defendant** for inspection well before trial.

7. I shall need to give oral testimony in chief myself, in addition to confirming my witness statements, which were all drafted before I realised that the trial was definitely going to be in private. My witness statements were light on information that might be relevant, about my family circumstances, because I had hoped to avoid raising in public the history between my family and the Defendant, dating back to the year 2009.

8. The facts I expect to prove are set out in my **Amended Particulars of Claim** and in my witness statements. However, there is a mistake in the year (which should be 2013, not 2014) in all three of the May dates in paragraph 30, which the Defendant has kindly agreed I can correct, in an exchange of emails.

9. In addition, I will prove that everything the Defendant did was grossly assymmetric as between father and mother. In short, that the Defendant undertook what I will call "**one-sided social work**".

My argument

10. The questions of fact and law at stake, and my partial answers to them, are as follows. Fuller answers should emerge at the trial.

11. Was *any* of the conduct of the Defendant (even if I can only prove a *single* incident) even *capable* of being an interference with my right to respect for my private and family life *per se*? Regardless, that is, of whether that conduct might have been exempt by virtue of the qualification of Article 8.2? And regardless too of whether or not that conduct was engaged in because of discrimination?

I say yes. I cite here (and for now), specific *examples* of such conduct:

(a) The pressure that was put upon my son's mother to prevent contact between father and son

(b) The referral of my son's mother to the Suzie project

(c) The promulgation of factually inaccurate information to police and schools which, even if this wasn't calculated to interfere with my ability to be involved in my son's schooling, certainly had that effect

(d) The deviation from the normal procedure when faced with two applications for school places, instead simply discarding my application

(e) The passing to the mother of sensitive information about the present proceedings that is not in the public domain

(f) Withholding information about my son's school allocation.

and so on.

I say that all this conduct (and more that will be explored at trial), was ***prima facie*** conduct on the part of a public authority that would at least be capable ***per se*** of amounting to interferences with my Article 8 right, if (say) the conduct had been inflicted randomly on me and my family, for no reason at all – neither a good reason, nor a bad reason. It is therefore proper for the court to investigate, at this trial, *why* the Defendant *chose* to inflict such conduct upon *me*.

The onus is on the Defendant (not on me) to prove that the Article 8.2 exception criteria were met, when it gives its reasons for its conduct. The onus is on me to prove, if I wish to, that the conduct was motivated by a breach of Article 14 in conjunction with Article 8 (and/or other articles), i.e. discrimination.

12. Can one-sided social work that does not have to be one-sided (as it might have to be if, for example, one parent was incommunicado)**, satisfy the legality test in Article 8.2?**

I say no, citing two reasons for the time being, perhaps more reasons at trial.

Firstly, avoidlably one-sided social work isn't "in accordance with law", because it breaches the Public Sector Equality Duty, in that it shows *no regard at all* to the need to foster good relations between men and women.

Secondly, avoidlably one-sided social work breaches the First Principle of Natural Justice, *audi alteram partem*. It is a **procedural impropriety** writ large, if ever there was.

13. Did the Defendant decide to pursue a policy of paternal/filial deprivation and, if so, when, and why?

I say yes. I say that the admitted purpose of the Defendant, in taking this "parentectomy" decision, was expressly stated to be because of my beliefs, and that this decision, "because of your beliefs", had, to all practical intents and purposes, *already* been taken *before* the meeting of 23rd May 2013. If I remember correctly, the social worker confirmed that decision to me in a telephone conversation that very evening.

I complained promptly, of beliefs-based discrimination. My complaint was not investigated, as it should have been, in the costs-free environment of the statutory complaints procedure. My complaint was not even forwarded to the Complaints Manager, but rather to the Legal Department. That denial of access to the complaints procedure, for me, is another conduct complained of. It is the only reason that we are in court today, because dealing with my

complaint using the complaints procedure, as well as being respectful of my private and family life for a change, would also have been far kinder than leaving me no way forward except to bring a claim in the courts, risking a costs order that would bankrupt me.

14. Was there also a breach of Article 14, in conjunction with other Articles?

There can be no doubt that the Defendant's attitudes towards the father and the mother, and their treatments of the two parents, were different. They were disrespectful towards the father's private and family life, but respectful of the mother's. The Defendant is not in a position to maintain credibly that the social work wasn't (as I put it) "one-sided." The pleadings don't explain *why* the social work *had* to be one-sided. The fact is that the social work didn't have to be one-sided, and shouldn't have been. But was this difference in treatment of the father and the mother because of discrimination, and, if so, discrimination on what grounds?

That there was an inquisition into my beliefs is going to be easy for me to prove. The social worker used the phrase "because of your beliefs" at the meeting of 23rd May 2013. Pages of my blog, expressing my beliefs, were printed out and annexed to the Section 7 report. The deputy district judge judge in the family court, having found reliable the evidence of the social worker who is witness for the Defendant in these proceedings, but who had been in the almost unassailable position of a court-appointed professional expert witness in the family proceedings, concurred with the social worker witness in his judgment, that he was also concerned that (as the then expert witness had led him to believe) I might "indoctrinate" my son. *Res ipsa loquitur.*

15. Was there breach of *nemo judex in causa sua*?

Yes there was. The Defendant should have asked the County Court not to require it to produce the Section 7 Report in the family proceedings, because of a conflict of interests, since it was the Defendant of both parents in a joint claim at the time. The solicitor representing the council in the joint Data Protection Act claim of myself and my son's mother, should not have contacted, behind the mother's back, the solicitor acting for the mother in the family proceedings. Knowing that I was honour-bound not to settle my DPA claim other than as part of a settlement that also settled the claim of the mother, because of a promise I'd made to the mother, who was my joint claimant in the DPA proceedings, the solicitor should not have colluded in the sordid subterfuge that the emails in the bundle proves took place. And so on.

16. Is the doctrine still good law, that "a little leaven leaveneth the whole lump"?

In judicial review case law, which (unlike refuting an Article 8.2 defence, to the extent that one is pleaded) is a mightily high hurdle to jump, a decision (such as one to make the social work one-sided, or to procure "parentectomy"), is flawed, if irrelevant considerations are taken into account, or if relevant ones aren't. An interference in the Article 8 right decided upon in a decision that would have been judicailly reviewable, is not an interference that is "in accordance with law" (Article 8.2).

If discrimination motivated any decision, then that decision, and all that flowed from it, is contaminated with that initial unlawfulness, at judicial review. It is no good the Defendant trying to cover its tracks *post de facto*, by inventing or re-prioritising other concerns simply months later (having admitted that the smacking allegation wasn't "insurmountable" on 23rd May 2013). It is no good the Defendant pleading that discrimination the previous May had been only one of several factors, and speculating that the outcome would have been the same anyway (which I doubt it would have been), even if the social work job had been done properly, without beliefs discrimination.

Likewise, if the intentional one-sidedness of the social work deprived the Defendant of information that it ought to have taken into account before deciding upon parentectomy (which it most certainly did), then that wilful ignorance on the part of the Defendant, of relevant considerations, also contaminates the *de facto* decision to inflict parentectomy taken before the meeting of 23rd May 2013.

Curate's egg social work – good in parts - is not lawful social work, for Article 8.2 purposes. It is not good enough to observe the Children Act, and to regard Working Together To Safeguard Children as one's "bible" (so-to-speak), but then to forget all about the Public Sector Equality Duty, and the Human Rights Act, for example, or the specific Data Protection Principle that requires measures to be taken to ensure that personal information held by a data controller is accurate – an aspiration that is unlikely to be realised if the data controller relies upon social work that is deliberately one-sided. If the Defendant wishes to be justified by keeping the law, it must keep the whole of the law. It didn't.

JOHN ALLMAN
Claimant in person

needed to protect her son and that she was scared of the Claimant. In my conversations with Ms Palmer she was frequently anxious and demonstrated that she was frightened by the Claimant's actions. She was also extremely concerned that no one would believe her and that the Claimant would convince all of the professionals that he was right and that she was mentally ill. She was concerned that this would result in the child being removed from her care. In an effort to reassure Ms Palmer on one occasion I had a conversation with her where I told her that I had previously experienced a controlling relationship. This was simply in order to try to demonstrate to her that it is possible for people to move on and to show her that her experiences were not uncommon. I also discussed research with her and explained that professionals were aware of the patterns of domestic abuse and would not automatically believe everything that one particular party said.

12. I made several attempts to telephone the Claimant on different telephone numbers on 11 April 2013 but was unable to get through to him.

13. On 12 April 2013 I carried out a joint visit with the police to Amanda Palmer and the child because a disclosure had been made that required police investigation. At the visit the police took a copy of the photo of the mark on the child's face that mother had taken.

14. When the police investigation was initiated Amanda Palmer was advised by the Police and by me not to allow contact between the Claimant and the child until the police investigation had been completed. This is standard advice in circumstances where harm has been alleged to a child in order to protect the child in question. Accordingly, on 12 April 2013 I telephoned the Claimant and told him that I had advised that there be no contact between him and the child during the course of the police investigation. It was my understanding that the police had also given him the same information directly. As is always the case in such circumstances, I was asked by the police not to discuss the allegations with the Claimant, the alleged

perpetrator of the harm to the child, before the police enquiry was completed in order to avoid interfering with evidence. This is a standard requirement in such cases.

15. Due to the initiation of the police investigation and the allegation of harm to the child I closed down the Child in Need assessment. I refer to the Child in Need assessment document marked Exhibit "SB4" which was completed on 17 April 2013 when it was reviewed and signed off by my line manager Anita Keight. She had decided that a Strategy Episode was to be completed to trigger a Child Protection assessment as a result of the disclosure of physical harm. As the matter was now to be treated as a Child Protection assessment, a multi agency discussion was required with the Police. This strategy discussion took place on 17 April 2013. At this discussion, the police, the health visitor and my manager were involved. A decision was made at this Strategy Episode that the police would invite the Claimant in to interview as a voluntary attender, that there would be a joint social work and police enquiry, that a child protection assessment would commence and that Section 47 criteria would need to be completed within 5 working days in order to decide whether or not immediate action was required to safeguard and promote the child's welfare. I refer to the Strategy Discussion document marked Exhibit "SB5" which documents this decision.

[2/A42 → A55]

[A56 - A59]

16. The Section 47 Child Protection assessment started on 18 April 2013. All relevant checks were to be undertaken as part of the Child Protection assessment. These included checking the health of the child and making enquiries of relevant people, including family, liaising with the police, conducting any relevant research and considering the child's present living situation. I also considered the factors that I had taken into account in the Child in Need assessment and other factors relating to the child and its welfare. In accordance with the standard requirements I considered the developmental needs of the child, including his emotional and behavioural development, his self-care skills, identity and social presentation and family

his flat. She voiced concerns that the people that the Claimant came into contact with may present a risk to the child's physical and emotional welfare. I took the Claimant's concerns into account also. I refer to pages 14-16 of the Social Work Assessment (Child Protection) document marked at Exhibit "SB6" for details of these concerns. [2/a110 - a112]

21. I also looked at the situation between the parents. I was concerned that the parents may disagree on contact and that this disagreement could impact on the child as it is known that parental animosity can cause confusion and distress for children and can have a significant impact on their emotional development.

22. As part of the Child Protection Assessment I also spoke to the child's pre-school several times. I refer to page 3 of the Social Work Assessment (Child Protection) document marked Exhibit "SB6". I asked them about how the child was and how they presented and their assessment of his development. They informed me that the child appeared happy and was pleased to come to nursery but that he could be pushy. In a further discussion with them they informed me that he has a short attention span and was a "fiddly" child. [2/a99]

23. Further, I considered any mental health issues facing the parents and their social history. I refer to page 16 of the Social Work Assessment (Child Protection) document marked Exhibit "SB6" for details. [2/a112]

24. I was also passed a copy of the Claimant's online public blog by the police during the course of their investigation. They were worried by its contents and thought that I should see it. I refer to extracts of the Claimant's blog marked Exhibit "SB7". The blog set out various entrenched, intolerant and extreme views held by the Claimant which gave me some concern about his views of parenting. For example, on pages 7 and 8 (of 15) of Exhibit "SB7" the Claimant wrote about a mother who had been convicted of involuntary manslaughter of a child. He described an 8 month old child as "*hardly a 'person' yet*" and about the mother he wrote: [2/a134 - a148] [2/a140 - a141]

"It is nobody's business but Catherine Schaible's what she did with her OWN BABY. It was her RIGHT as a woman with inalienable reproductive rights to CHOOSE whether or not to call a doctor when her baby was taken ill...what sort of life would the baby have had anyway with a mother who wished it dead? Ms Schaible is right the baby is better off dead...".

Also, I refer to page 1 of the extract from the Claimant's blog marked Exhibit "SB7". This was an article about homophobia in which the Claimant argued, amongst other things, that all laws banning homophobia should be revoked. The Claimant's blog illustrated to me that the Claimant had very strong and alternative thinking patterns, including in relation to parenting and the value of a child's life. Further, I refer to pages 2 and 3 (of 15) of the extract from the Claimant's blog marked Exhibit "SB7" in which he wrote a purportedly anonymous post about the child care assessment taking place in respect of his son. The Claimant's blog was published and fully available in the public domain. I shared the concerns voiced by the Police to me about the contents of the Claimant's blog. The rigidity of the Claimant's thinking and the disturbing style of the blog gave me worries about the impact that his views would have on a developing child. Further, the contact that I had had with the Claimant so far via telephone and email reinforced these concerns to me as the Claimant had revealed himself to be difficult and sometimes domineering in his approach. I was concerned that the force of the Claimant's personality and his views could prove damaging to the developing mind of a young child. I was worried that his views were so entrenched and so dogmatic that a child growing up would not be able to express their own views and opinions and that that would impact negatively on the child's emotional development. The rigidity that the Claimant had demonstrated in all my contact with him caused me concern that he would not allow for any independent thought on the part of his child. A child needs to be able to establish its own sense of identity and to challenge and learn as it grows up. It also needs to be able to take on different viewpoints so that they it develop and grow. I was very worried that any form of negotiation would be impossible for the child with its father.

[2/G134]

[2/G135
& G136]

Although children need boundaries they also need some movement due to negotiation. I feared that the Claimant was not capable of give and take and that this would impact on all strands of the child's life. Further, I was unsure that the Claimant was capable of putting his child's needs first and of allowing the child to be his own person. Additionally, I was concerned that the Claimant's approach to others which frequently involved conflict would provide a negative role model for the child that would impact on his own social skills as he grew older.

25. As part of the ongoing Child Protection assessment I also looked at previous records which raised concerns from hospital before and after his son's birth regarding the Claimant's behaviour and presentation. As documented in page 17 of the Social Work Assessment (Child Protection) document marked Exhibit "SB6", records disclosed that the Claimant engaged staff in inappropriate conversations, challenged the staff about the system and that he failed to stay focused on supporting his son and partner. [2/G113]

26. Ms Palmer had indicated to me that the relationship between her and the Claimant was abusive. She cited some physical abuse but states that it was emotional abuse that was more significant. The Claimant later intimated counter allegations of abuse in reverse.

27. I concluded that there was no risk to the child in its present situation residing with its mother and, based on my assessment of the factors above and others as set out in detail in the Social Work Assessment (Child Protection) document marked Exhibit "SB6", I considered that the mother's wish not to allow contact should be supported. However, the Child Protection assessment was an ongoing and dynamic process which would require relevant information to be considered and re-considered as part of a continuing process. [2/G97 → G123]

28. In a further telephone conversation on 25 April 2013 with Amanda Palmer she reiterated to me again that she did not wish her son to have any further

Telephone Contact: Tel call from John Allman (father) to the MARU advice line G 1
03/04/2013 at 13:13

Mr Allman, initially very vague and wishing to be anonymous, wanted to enquire about social work involvement - due to concerns about lack of contact with his son. He thinks that child's mother is going to make allegations about him, and that he had supposed to be having contact with his son this morning, but Noah and his mother had not turned up. I advised Mr Allman regarding legal advice, using the family court (without a solicitor) and how he can do this, regarding contact. He consideres that his ex-partner is coaching his son Noah to say things about him, and that any allegation would be untrue. Mr Allman in turn wished to make referral to social care due to emotional abuse of his son by child's mother. Mr Allman has been emailed with referral form and details if he wishes to make a referral.

Entered on 03/04/2013 at 13:17 by Karen Morozova.

Telephone Contact: Tel call to MARU from John Allman (father)
03/04/2013 at 17:07

Mr Allman wanted confirmation that his email referral has been received at MARU - this confirmed at 4.45 p.m.

Mr Allman then wished to discuss the "allegation" that will be made against him. Also he said he has contacted the Law Society as he made an applicatin for legal aid last week (hoping to get agreement prior tothe change in criteria on 1st April). Law Society has told him another 4 weeks before decision is made. Meanwhile, he enquired if we would become involved. I explained - again - at length that we do not become involved regarding contact issues, that this is matter for the family court, and I had already advised him how to access this. Mr Allman felt that better to wait until his solicitor has agreed to act in 4 weeks time, again, meanwhile he asked if we would become involved, as there is an allegation and especially ifthe child's mother and grandparents are "coaching " Noah to make up a lie about him.

G 3

INTER-AGENCY TO LOCAL AUTHORITY CHILDREN SOCIAL CARE REFERRAL FORM

Please ✓ all appropriate boxes or write Not Applicable /A or Not Known /K
Please complete legibly in BLACK INK

ID-871029.

Child/Young Person's Details	**Agency Ref. No.:** Not an agency – referral by child's father
Surname: Allman (aka Palmer)	**AKA:**
Forename(s): Noah Cornelius David	**Date of Birth:** 27th May 2010
Gender: Male √ Female ☐ Unborn ☐	
Current Address: 1 Riverside Mills	
Postcode: PL15 8GX	**Type of Address:** Maternal grandmother
Tel No. (inc. code): 01566 248648	
Home Address (if different): 8 Exeter Court	
Postcode: PL15 9TQ	
Tel No. (inc. code):	

Child/young person's ethnicity:

√ A1 White – British	☐ B4 Mixed - Any other mixed background	☐ D1 Black or Black British - Caribbean
☐ A2 White – Irish	☐ C1 Asian or Asian British – Indian	☐ D2 Black or Black British – African
☐ A3 White – Any other White Cultural Background	☐ C2 Asian or Asian British – Pakistani	☐ D3 Black or Black British - Any other Black background
☐ B1 Mixed - White and Black Caribbean	☐ C3 Asian or Asian British – Bangladeshi	☐ E1 Chinese
☐ B2 Mixed -White and Black African	☐ C4 Asian or Asian British – Any other Asian background	☐ E2 Any other ethnic group
☐ B3 Mixed - White and Asian		

If E2, Nationality:

Religion:	
Child's first language:	English
Parent/carers' first language:	English

Interpreter/signer required? Yes ☐ No √ **If Yes, give details:**

Does child/young person have a disability? Yes ☐ No √ **If Yes, give details:**

Other special/cultural needs:

Has child/young person received a statement of Special Educational Needs? Yes ☐ No √

On Code of Practice? Yes ☐ No ☐

Child/young person's GP:	Dr Rachel Parkinson
School attended:	Pre-school in St Thomas Hill, Launceston

Is this a referral for action under Child Protection Procedures? Yes ☐ No √

If Yes, please give details:

Legal Status of child: Don't understand the question

Details of Referrer

Surname:	Allman
Forename(s):	John William
Post:	Father (with parental responsibility)
Agency & Address:	No agency. Flat 1, 25 Broad Street, Launceston, Cornwall.
Postcode:	PL15 8AB
Tel No. (inc. code):	01566 772698 or 07769 218187
When can referrer be contacted?	Any time
Is parent aware of referral? Yes	√ No
Is child/young person aware of referral? Yes	No

Parents/Persons caring for child/young person:

Surname	Forenames	M/F	AKA	Address/Tel No.	Date of Birth	Relationship to child	✓ if parental responsibility
Palmer	Amanda Denise	F		8 Exeter Court etc 07878 109223	29.12.66	Mother	√
Allman	John William	M		Flat 1, 25 Broad Street 01566 772698 07769 218187	7.5.53	Father	√

Other children in household (please indicate by * against name if another child/young person is also being referred):

Surname	Forenames	M/F	AKA	Date of Birth	Relationship to child
None					

Significant others/other family members

Surname	Forenames	M/F	AKA	Address/Tel No.	Date of Birth	Relationship to child	✓ if parental responsibility
Roots	Particia	F		1 Riverside Mills	?	Mat. grmther	

Agencies/professionals known to be involved

Name:	Julia Slater		
Agency:	Health Visitor	Tel No. (inc. code):	01566 765711
Name:			
Agency:		Tel No. (inc. code):	
Name:			
Agency:		Tel No. (inc. code):	
Name:			
Agency:		Tel No. (inc. code):	
Name:			
Agency:		Tel No. (inc. code):	
Name:			
Agency:		Tel No. (inc. code):	

Has consent been given for the Multi Agency Referral Unit to contact the named agencies? Yes √ No

If No, please specify with reasons:

What is your involvement with the family (include how long you have known the family, in what capacity and what work you have been doing to support them):

I am the child's father. I have been present in Noah's life from birth, seeing Noah the majority of days until recently, apart from an absence lasting two weeks in February 2011 when moving house. Recently, the mother has been impeding Noah's contact with me, giving a variety of different excuses for this.

Give specific reasons for referral (include strengths and difficulties and any specific incidents that have prompted your concern):

The mother has made a considerable number of false allegations against the father in the past that have NOT been allegations of child abuse, and has also impeded Noah's contact with the father considerably during the year 2013 to date.

Yesterday evening, and again today via the mother's solicitor, the father learnt that the mother has made a false allegation against the father that DOES amount to an allegation of child abuse, namely assault causing actual bodily harm, by hitting Noah on the cheek, which would be an unsafe method of corporal punishment for a child of that age, even if Noah was a child who benefited from corporal punishment, which he isn't. The father (myself, the referrer) denies this allegation, and is not aware of any significant injury to Noah when he last returned him to his mother.

The father has reason to believe that the mother or the grandmother may have coached Noah (who is still not talking in full sentences to any great extent, and does not yet understand the importance of telling the truth) to utter the false allegation, "Daddy smack."

Through her solicitor, the mother has informed the father that she intends to prevent all contact between Noah and his father, until further notice.

The family was known to CYPF in 2010, following referrals by a midwife, the police and a consultant psychiatrist, related to the mother's alleged mental health. Sally Burchell and Mel Costello were involved at different times. I consider those referrals to have been unnecessary. However, the tentative diagnosis in May 2010 of delusional disorder is consistent with the recent behaviour of the mother, in making allegations against the father. I am making this referral today, because Noah's need is for contact with both parents and (I believe) shared residence. The new allegation, unless it is investigated and found to be without substance, might prevent Noah being cared for by his father alone for a temporary period in the event that the mother needs to be admitted to hospital.

Noah has three half-sisters by the same father, and a half-brother, all of whom are adults, born in 1976, 1980, 1982 and 1986. His father has three sisters and two brothers. Noah has five nieces and two nephews who are children, two of them younger than him. A false allegation that the father had physically abused Noah, if not discredited, would be likely to impede contact between Noah and these other members of his extended family.

I have in the past defended Amanda against interference by social workers, because of my confidence in my ability to safeguard Noah, despite the concerns of others about Amanda's mental health, whilst Amanda and I remained close, and I saw Noah almost every day.

What are the specific risks? What do you think needs to happen and who should be involved? (indicate what needs and risks are most concerning you):

It is necessary that CYPF investigate the mother's allegation that the father has assaulted Noah, and becomes satisfied that this allegation is untrue. Otherwise, Noah may not have the contact with his father than he undoubtedly needs, not least as respite from the sub-optimum situation in which he finds himself a great deal of the time, in which he is mostly residing in the home of his disabled maternal grandmother, for whom his mother is primary carer.

Noah needs to have his father able to take over his care completely at a moment's notice, in the event that his mother has a breakdown, under the self-imposed stress of caring for her mother and her son at the same time, whilst refusing the respite she enjoyed when Noah was with his father, and when Noah was with both parents, when they were effectively working together as a properly functioning nuclear family, albeit distributed across the separate but nearby home addresses of his mother and his father, the situation that obtained before the new year, when the mother's role as carer for her mother became a virtually 24/7 job, and she began to believe, not just some of the time, but almost all of the time, that Noah's father was amongst the numerous others whom she believes are conspiring against her and abusing her.

There is a "specific risk" that, if this referral of Noah by the father is released to the mother, in response to a subject access request under section 7 of the Data Protection Act, or otherwise; this will lead to an irretrievable breakdown in the normally good relationship between that parents that has given Noah a good start in life, until recently.

What do you expect to happen next (be specific about focus for any assessment and who you think should contribute to that assessment)?

A tactful way of dealing with this, might be to inform the mother that an (unattributed) referral has been made, connected with an allegation of physical abuse of Noah on the part of his father, without mentioning that the father was the referrer, and that his safeguarding concerns were about the effect upon Noah of being coached to make false allegations, and losing contact with his father. A request could be made for Noah to have a single session of supervised contact with his father, in and (weather permitting) near his father's home. That would provide the opportunity for CYPF to become satisfied as to the suitability of the father's home environment, the strength of the relationship, and the unreliability of the alleged testimony, allegedly procured by coaching, of two year-old Noah, that his father had hit him in the face, "in daddy's flat".

I would also like a social worker to visit Amanda at her mother's, without an appointment, asking to see Noah, so that the alleged bruise that I am alleged to have inflicted on his face can be inspected, as part of the investigation in connection with the allegation that I assaulted Noah. (There may or may not be a bruise visible.) The reason for not giving Amanda advance warning that you are coming to look at the bruise his father caused, is connected with concerns that if Amanda thinks that I am part of a conspiracy against her, she is apt to think that "the end justifies the means", and that, if there is no bruise, there needs to be one by the time the social worker keeps the appointment.

It is possible that Noah did suffer a bruise while he was with me, that I did not notice. He isn't all that steady on his feet. But I did not notice a bruise, and Amanda didn't either, at the time of handover, or at least she passed no comment. In the past, Amanda has noticed scratches on her mother's car that I certainly could not see, with good (corrected) vision.

Initially, I would like somebody please to telephone me, to discuss what, if anything, can be done.

NOTE: Information provided on this form will be shared with families and young people, if relevant to assessment and planning, unless indicated otherwise and agreed between the referrer and the MARU or where sharing would put any individual at risk of significant harm.

Signature of referrer: J Allman **Date:** 3rd April 2013

Signature of parent/carer:	J Allman	Date:	3rd April 2013
Signature of child/young person:	Noah cannot write yet ☺	Date:	

NOTE: You should be informed about the outcome of your referral within 3 working days. However, if you have not heard from the MARU about the outcome of your referral within this timescale, it is incumbent on you to follow it up.

To contact the MARU in hours phone 0300 1231 116 and out of hours 01208 251300

The inter-agency referral form should be sent/ faxed to:

Multi Agency Referral Unit
Fistral House
Threemilestone Business Park
TRURO
TR4 9NH

Secure Fax Number 01872 323653
Secure Email Multi AgencyReferralUnit@cornwall.gcsx.gov.uk

Standard Email cscintake@cornwall.gov.uk

G 134

John Allman, UK

BY JOHN ALLMAN | MONDAY 17TH JUNE 2013 · 02:10

The homophobic manifesto

A counterblast to Michael Swift's famous essay

The Gay Revolutionary

published in *Gay Community News*, 15-21 Feb. 1987

You will probably enjoy this more, if you read Swift's original essay first, re-published here, by Jesuits.

This essay is an outré oasis of sanity, a triumphant, benign fantasy, an eruption of inner love, joy and peace, on how the oppressed desperately dream of a world where nobody is persecuted for "thought crimes", not even homophobic people.

We who are homophobic shall rectify your miseducation of our sons about sodomy (I hope before you get around to sodomising too many more of them). Our sons are the pride and joy of our under-valued masculinity, of our noble dreams and lasting truths. We shall rescue them from you in our schools, in our dormitories, in our gymnasiums, in our locker rooms, in our sports arenas, in our seminaries, in our youth groups ... (etc) ... wherever men are with men together. Our sons shall be educated and free and make their own *fully-informed* lifestyle choices. Many of them will (or so many of us hope), show by their lives that they remain cast in the image of God, no less. They may well come to crave and to adore *Him*.

All laws banning homophobia will be revoked. Instead, legislation shall be enforced which upholds our freedom of thought and expression.

All homophobic people must stand together as brothers; we must be united artistically, philosophically, socially, politically and financially. We will triumph only when we present a common face to our illiberal, intolerant and spiteful persecutors.

If you dare to cry bigot or homophobe at us, we will giggle at you, because we know in our hearts that we are free men, entitled to think any thoughts, express any ideas, we wish.

We shall write poems of the love of men for freedom; we shall stage plays in which man openly expresses his beliefs to man and nothing bad happens to him at all; we shall make films about the virtue of heroic men which will complement the cheap, superficial, sentimental, insipid, juvenile, pro-gay propaganda presently all-too prevalent on our cinema and television screens, even the broadcasts of our televised Parliament. We shall sculpt statues of whatever those of us gifted in sculpture feel like sculpting (and will generously allow you to do the same). The museums of the world will be filled with anything and everything that the museum management consider worthy to occupy exhibit space.

Our writers and artists, and yours, will write and make whatever they damn well want, and we will strive to protect their artistic freedom, and yours, because we're not mean or hateful, just homophobic. We will fight tooth and nail against the present persecution of homophobic people through usage of the devices of wit and ridicule, devices which we do not need to be "skilled" in employing like you, when ridiculing such an easy target as your spoilt-brat intolerance.

We will embarrass the homophobic people who have traded principle for a small measure of power, behaving as intolerant zealots, out of fear of the gay lobby. People will be surprised and amused when they find that their presidents and their sons, their industrialists, senators, mayors, civic leaders etc, are hypocritically playing safe, by outwardly posing as politically correct, whilst secretly being just as homophobic as the rest of us. Homophobic people are everywhere; we have no need or desire to infiltwate your ranks. Be careful when you speak ill of homophobic people because we are always among you; we may be sitting across the desk from you; we may be sleeping in a bed *near* you, but hopefully not *too* near.

There will be a return to good old British compromise. We are probably not *all* middle-class weaklings, but what matter if we were? We are not all highly intelligent, still less "the natural aristocrats of the human race", though at least we aren't doing anything as *unnatural* as you advocate. We don't hunger for power like you, only for our lost freedom. Steely-minded liberals or libertarians, even those of us who happen to be homophobic people, never settle for less than liberty. Those who oppose our right to our opinion will be therefore be patronised, and frowned at, and sued if they keep on causing us trouble.

23/05/2013 at 14:30

Meeting with Mr Allman in Dunheved house> Mr Allman stated that now th epolice have ended the case as he clearly never hit Noah he wanted to know when he could see him. I stated that the police had stated that there was insufficient evidence to proceed but that this did not mean that they did not believe that Noah had been smacked. I then stated that I do not have to prove any issue to beyond reasonable doubt but on the balance of probability. I stated that Noah had disclosed to me that his daddy had smacked him and that due to the circumstances in which he told me I believed what he had said and that I did not believe that he had been coached to say this as Mr Allman has stated. Mr Allman continued to state tha the had not smacked Noah and talked aout evidence that he had not taken Noah to his flat where Ms Palmer has said that th eincident occurred. I reiterated what Noah had told me and the circumstances in which it had been said. After pressure from Mr Allman I revised my first statement "that I believed he had smacked Noah" to "on balance, given the information i beleived that it was more likely than not that he had smacked Noah"

I did then state that this would not necessarily be an insurmountable obstacle to him seeing Noah again but that I did have some other concenrs about his views and behaviours that I wanted to discuss with him.

Mr Allman asked me what I meant. I replied that it was said that he had strong beliefs and that he never admitted that he was wrong. Mr Allman stated that he did not understand. He also said that he had reached the age of 60 and was entitled to have opinions.

I asked Mr Allman about his blog that I had seen where he had stated that a child of 8 months was "not a real person". He replied that I was not very clever as I had read this out of context and did not understand satire and black humour. He explained that this was his way of using the pro abortion argument to an older child. He said that this was his way of suggesting that th eargument was not valid. He stated that I was stupid if I had taken this as his view.

I tried to explain that I was trying to understand his views and whether he was able to negotiate and compromise. I tried to explain that children's minds are affected by those around them and that if they do not learn that they can negotiate and express their own views as they grow up this can be damaging. Mr Allman still felt that he did not understand. I then tried to give an example by asking him how he felt he might respond if Noah came to him in the future and told him that he was gay. Mr Allman did not give a straight answer to this but stated that Noah was only 2. I then tried another example and asked how he would feel if one of his adult daughters told him thatthey had had an abortion. He stated that he would be devastated. I asked how this would affect his relationship with his daughter. Mr Allman did not give an answer to this but went of at a tangent.

Mr Allman reiterated his belief that Noah had been coached to say that Daddy had smacked him. I repeated that the way in which Noah had told me this had made me believe what he had said. Mr Alman asked if I would believe Noah if he told me that "The cow jumped over the moon and the dish ran away with the spoon. He told me to consider this carefully as it was a question I would surely be asked if the matter came to court. He asked if I was aware that false allegations are made all the time. I reassured him that I am aware that false allegations are made but that I am an experienced SW and felt that on this occasion Noah had told me what happened. Mr Allman told me that I did not deserve to be a Consultant Social worker.

I asked Mr Allman about his previous mental health issues. He replied that it was "none of my business", I received the same response when I asked him about what he thought were the positive aspects of his relationship with Noah and what his views about parenting were.

Mr Allman stated that he had 4 older children and that I should ask them about his parenting. I agreed that I would. I asked about the involvement of social care when one of his children was 13. he stated that she made up an allegatioin against him of physical assault and that she subsequently retracted this.

I asked about whether her thought Ms Palmer was frightened of him. He stated only in that she was frightened of everything. He stated that it is part of Ms Palmers difficulties that she misinterprets comments and views. he stated that he accepted this, he loves her and just waits for her to come

A v Cornwall Emails the Claimant needs in the trial bundle

Relevance: **"no amount of evidence"**

Subject: Phone numbers for some of my family
Date: Thu, 23 May 2013 22:52:22 +0100
From: John Allman <John_W_Allman@hotmail.com>
To: Sally Burchell <sburchell@cornwall.gov.uk>
CC: Kate Fitzpatrick <kate.elisabeth.fitzpatrick@gmail.com>, ivorcoster <ivor.coster@btinternet.com>, Emily Robinson <eallman05@yahoo.co.uk>, Lucy Matheson <LucyMatheson@Hotmail.co.uk>, thomas allman <thomas_allman@hotmail.co.uk>
Dear Ms Burchell

At our meeting today, at the very beginning of the meeting, you handed down you own personal finding of fact, proven to your satisfaction, on the balance of probabilities. You stated that you believed that I had physically assaulted Noah on 2nd April 2013. That was notwithstanding the opinion of the police that there was insufficient evidence to that effect, and my own denial of the false accusation.

I told you that if Noah is making hand gestures of slapping his own face, and saying "daddy smack", apparently spontaneously, it is almost certainly because he has learnt to say this. His testimony is as credible as if he had told you that he'd seen a cat with a fiddle, and a cow jumping over the moon.

I told you that the head of the children's work at my church had warned me two days beforehand that Amanda has called at her home, and that she had concluded from that conversation, and was warning me, that Amanda intended to make false allegations against me.

Please contact the following members of my family. They can tell you what kind of father I am. They can tell you what they have witnessed of Amanda's behaviour that undermines the credibility of her various false accusations against me.

My daughter Lucy - 07758 925180

My daughter Emily - 01943 876223 or 07738 057534

My son Thomas - 01252 500758 or 07931 261296 or 07875 089721

My daughter Kate - 0207 729 6597 or 07881 347446

My sister the Rev Catherine Coster - 01454 314858 or 07702 349691

Please don't bother to phone them if, as your extraordinary behaviour today implied, your mind was already made up before you met me, and no amount of evidence would be capable of changing it.

Yours sincerely,

John Allman

Neutral Citation Number: [2017] EWHC 842 (QB)

Case No: A88YJ875

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
EXETER DISTRICT REGISTRY

Date: 28/04/2017

Before :

MR JUSTICE DINGEMANS

- -

Between :

A	**Claimant**
- and -	
Cornwall Council	**Defendant**

- -
- -

The Claimant in person
Tim Pullen (instructed by **Cornwall Council Legal Services**) for the **Defendant**

Hearing dates: 6th, 7th and 8th March 2017

- -

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

Mr Justice Dingemans:

Introduction

1. This is the hearing of a claim brought by A against Cornwall Council ("the council") pursuant to the provisions of the Human Rights Act 1998 ("the 1998 Act"). The case follows Family Court proceedings involving A, his son S, and his former partner M, S's mother, in which the Family Court ordered that there should not be direct contact between A and S. The essence of A's claim is that the council prevented A's direct contact with S and did not support A's application to have S live with him, because A had expressed views about abortion and same sex marriage in blogs on the internet, and that A's rights protected by the European Convention on Human Rights ("ECHR") to which domestic effect has been given by the Human Rights Act 1998 ("the 1998 Act"), have been infringed. The council denies the claim and says: it made proper safeguarding inquiries in relation to S; rightly considered blogs produced by A in which he had referred to a child of 8 months "hardly" being a real person; did not discriminate against A because of his views; made proper recommendations to the Family Court; and that it was the Family Court which made the relevant decisions.

2. I should, as a matter of fairness to A and the council, record that it was common ground in closing submissions that it would not be lawful for the council to prevent contact between A and S because of A's views and beliefs in relation to abortion and same sex marriage. Mr Pullen, on behalf of the council, asked that this point be emphasised to avoid any misunderstanding about the state of the law. As Hedley J. pointed out in *Re L* [2007] 1 FLR 2050 society must tolerate very diverse standards of parenting, which will range from the excellent to the barely adequate and include the inconsistent. Society must also tolerate very diverse views among parents – it would not be a modern democratic society without such tolerance - and this requirement is part confirmed by article 2 of the First Protocol to the ECHR (Part II of Schedule I to the 1998 Act) which provides that *"... the state shall respect the right of parents to ensure ... education and teaching in conformity with their own religious and philosophical convictions"*.

3. The Family Courts will give effect to the ECHR in Family Court proceedings pursuant to the provisions of the 1998 Act, see generally *Re L (A Child) v A Local Authority and MS* [2003] EWHC 665 (Fam). Claims for threatened infringement of the ECHR should be raised and addressed, if possible, in those proceedings. This should avoid the need for the duplicity of proceedings. However it is apparent that on occasions there may need to be separate proceedings for remedies available either under the common law or under the 1998 Act where past actions of public authorities have caused loss to family members. Issues of procedure in relation to claims under the 1998 Act were addressed in *GD and others v Wakefield Metropolitan District Council* [2016] EWHC 3312 (Fam) and *SW & TW (Human Rights Claim: Procedure) (No 1)* [2017] EHWC 450 (Fam).

The issues

4. The Council made applications to strike out the claim which were not successful, and as a result of earlier case management orders it is now common ground that the

following issues arise: (1) whether the Council acted in a way that was incompatible with any of A's rights protected by articles 8, 9, 10, 12 and 14 of the ECHR in breach of section 6(1) of the 1998 Act; (2) if so, what, if any, relief or remedy should be provided to the Claimant. I should record that in his submissions at trial A: maintained claims under article 6 of the ECHR; made claims about his treatment by various schools; and claimed that there had been an infringement of the public sector equality duty under the Equality Act 2010.

5. There is no doubt that A feels immensely resentful about the order made by the Family Court, but it is common ground that it is not my function to revisit the conclusions made in the Family Court. (I have used the term Family Court even though the Family Court only came into being in 2014 for ease of reference). I am grateful to both A and Mr Pullen for their efforts in attempting to avoid revisiting those issues. Mr Pullen did ask A why he had not issued further proceedings in the Family Court to re-establish contact given that A said that he had addressed issues relied on against him in the Family Court proceedings, for example the issue of visitors to his accommodation. A said that he considered that until he had addressed the issue of his beliefs with the Council in these proceedings nothing would change in the Family Court, but whether this is so is a matter for the Family Courts and not for me.

Reporting restrictions and the hearing in public where possible

6. The Family Court proceedings were held in private, pursuant to the provisions of Rule 27.10 of the Family Proceedings Rules ("FPR"). It is apparent from the short background that I have set out above that there is a need to protect the identity of S.

7. By an order dated 24th February 2015 it was ordered that the Claimant's name be anonymised to "A" and the claim be known as "A v Cornwall Council". It was also ordered that there should be no disclosure of information or documents arising in this case that might lead to the identification of S.

8. In an order dated 23th October 2016 it was ordered that this trial be heard in private, but it was also provided that the trial Judge would keep this issue under review during the trial so that discrete issues might be heard in public. Orders were made preventing unfettered public access to documents referred to at the trial.

9. As the trial Judge I informed the parties that I would try and hear as much of the claim in public as possible, but would require their assistance. It is essential for the maintenance of public confidence in Court proceedings that proceedings in Court are heard in public where possible, because this allows members of the public to see and assess for themselves what is occurring in the Courts. If proceedings are held in private the narrative about what is happening in the Courts is likely to be provided by the litigants, at least one of whom is likely to be disappointed by a judgment.

10. At the start of the trial there was a short part of the hearing which took place in private to discuss ways in which the proceedings could be conducted in public, and (apart from a very short part of cross examination of A which A indicated needed to be heard in private to avoid answers being given which might lead to identification of relevant persons) the trial was heard in public. In the event there was not much attendance by the public at the trial. On occasions A, Mr Pullen, witnesses and I all

inadvertently used A's name, and there was one reference to S's name. In these circumstances I will make an order that no one should have access to the transcripts of the hearing without making a formal application on notice to the Claimant and Defendant.

Relevant statutory provisions in the Children Act and Human Right Act

11. Section 7 of the Children Act 1989 ("the Children Act") provides that a Court considering any question with respect to a child may ask a local authority to arrange for an officer of the authority to report to the court on such matters relating to the welfare of the of that child as a required to be dealt with in the report.

12. Section 17 of the Children Act provides that there is a general duty on every local authority to safeguard and promote the welfare of children within their area who are in need.

13. Section 47 of the Children Act provides that where a local authority has reasonable cause to suspect that a child who lives in their area is suffering, or is likely to suffer, significant harm, the authority shall make or cause to be made such inquiries as they consider necessary to enable them to decide whether they should take action to safeguard or promote the child's welfare.

14. The 1998 Act gives domestic effect to the provisions of the ECHR. So far as is relevant in relation to the ECHR: article 6 provides a right to a fair and public hearing; article 8 provides a qualified right to respect for private and family life; article 9 provides an absolute right to freedom of thought, conscience and religion and a qualified right to manifest beliefs; article 10 provides a qualified right to freedom of expression; article 12 provides a right to marry and found a family; and article 14 provides for enjoyment of rights without discrimination.

Evidence

15. On behalf of the Claimant I heard evidence from: A, the father of S; HV, who had acted as a health visitor to M, S and A; and R, a Reverend whose Church had been attended by A and who gave some evidence about A's beliefs and the blogs. On behalf of the Defendant I heard evidence from: SM, a senior manager in the Council's social services department; and SW, a social worker in the Council's social services department who carried out relevant investigations.

16. Much of the evidence was documentary and common ground but there were some disputes of facts. The matters set out below represent my findings of fact unless otherwise stated.

Relevant events

17. A is the father of S. S was born following A's relationship with M, S's mother. Both A and M had had mental health issues in the past. There is some evidence that A had met M after offering support for her mental illness, and that the relationship had developed after such a meeting, but it is not necessary for me to make findings about the circumstances in which the relationship started.

18. S was born. HV provided support to M, A and S and there had been no continuing concerns about the abilities of A and M to cope. As a result the council's social services department had not been involved with A, M or S for a period. Although A and M maintained separate households, they were both involved in bringing up S for the first two years of his life. There is a dispute about the extent to which A and M had lived together in the first two years of S's life but it is not necessary for me to resolve that dispute given the issues in this action.

19. The relationship between M and A then broke down. After the breakdown of the relationship between M and A, there was an agreement made by M and A which provided for A to have continuing contact with S. However it is apparent that the relationship between M and A became more difficult. A said that he had heard that a false report was going to be made by M to the social services department to the effect that he had smacked A. It was in these circumstances that on 3rd April 2013 A made a reference to the Council's social services department to the effect that it was going to be alleged by M that he had smacked S. The matter was reviewed by the social services department and it was noted that there had been an "acrimonious separation and both parents are making counter allegations". By letter dated 5th April 2013 A was informed that there would not be a referral in relation to the matter, and part of the reasoning appears to have been that no allegation had been made against A. It was apparent from A's evidence that he was unhappy that the council did not investigate the issue of whether M had coached S into making an allegation against him. However at the time that the council did not investigate A's reference there was no evidence of a complaint made against A. Further A did not allege to the council that S was being coached by M to make an allegation against him. It is apparent that this was in part because A did not want M to lose contact with S, A having formed his own view that M would be at risk of M losing contact with S if he made such a report. I am unable to say whether there was any foundation for that view and I have not heard from M so it would not be appropriate for me to comment on A's view.

20. However on 8th April 2013 M reported an allegation that A had smacked S leaving a red mark. The social services department decided to consider whether M's allegations had any substance and the emotional impact on S of the battle between A and M. On 9th April 2013 it was decided to carry out a Children In Need ("CIN") assessment. This was to focus on M's allegations, parental mental health, contact and care and well-being for S. In the light of the history the decision to focus, among other matters, on parental mental health was a proper one. It part explains why, as appears below, SW wanted to find out about A's views.

21. On 10th April 2013 there was a phone call by A to the multi-agency referral unit ("MARU") requesting that SW, who was dealing with the matter on behalf of the social services department, contact him. A was worried his contact with S had stopped but that M's contact with S was continuing. On 11th April 2013 SW called A but there was no answer.

22. On 11th April 2013 there was also a joint visit by SW and the police to M. SW gave clear evidence that during that visit S had reported that A had smacked him, and that SW, who has had 20 years of experience of dealing with children making complaints over a considerable number of years, believed the complaint by S. I accept that S made a statement about being smacked by A, and that SW believed what S had said, but again it is common ground that it is not my function to determine the truth of the

underlying allegation made by S against A because that was determined in the Family Court proceedings. It was also apparent from SW's evidence about that visit, which I accept, that she considered that M was a very anxious lady who reported concerns about her dealings with A. M reported that there was no point of debate with A because he would go on and on until she changed her mind. M reported that A raised concerns about whether she would continue being involved with S's care. SW said that she formed the view that A's relationship with M had involved at the least emotional abuse. I accept that this was SW's view of the relationship (and it is not necessary for me to determine whether this was an accurate view of the relationship) and it explains why SW was keen to arrange support services for M. This was not evidence of bias against A but demonstrated a proper concern by SW for M.

23. The police advised that A should have no contact with S during their investigation. M handed the police a photograph purporting to show a mark on S's cheek. A contended that the photograph which was handed over on 11th April 2013 was deliberately grainy so that it looked like a bruise on S's cheek, whereas he said that the actual photograph showed spots on S's cheek. Again it is common ground that it is not for me to revisit findings of fact made by the Family Court about whether A had smacked S, and I do not do so.

24. A complained that it was the social services department and SW who were behind the decision to stop A's contact with S. On the evidence before me, which includes the contemporaneous documents, I am satisfied and find that it was the police who told M that there should not be contact between S and A during their investigation. SW said that this was normal police practice. I have not heard from the police about the reasons for this practice. In certain circumstances such a practice might be sensible, but everything should depend on the particular circumstances. A made the perfectly proper point that we do not live in a police state, but it is apparent from the evidence below that M was keen to avoid A having further contact with S, and it was M who was taking the practical steps of preventing contact between S and A.

25. On 12th April 2013 there was a further call between A and SW. A asked if SW knew about the earlier investigations carried out by the council's social services department and the fact that A and M were suing the council. SW confirmed that she knew this, but said it was a different matter. It is apparent that this was a reference to minutes which had been supplied in response to earlier disclosure requests made by A and M and litigation against the council arising out of that request. The evidence did disclose that A was very litigious, and had brought actions against various bodies. A made the point that bringing an action to the Courts is better than joining unlawful protests. That is obviously right, but that does not mean that every dispute can only be resolved by litigation.

26. A CIN assessment, pursuant to section 17 of the 1989 was carried out. It was completed on 15th April 2013. That assessment noted that M and A had worked together to meet S's needs, but the couple had ended their relationship. I should record, because it is apparent that A blames the council for most of his current problems, that the disputes and difficulties between A and M commenced without any involvement of the council and SW.

27. In evidence A suggested that the council should have promoted a reconciliation between A and M. The evidence before me did not suggest that any attempted reconciliation would have worked.

28. In the assessment it was noted that M said that she had worked to enable A to have a relationship with S. It was also noted that recent changes would affect S and that he was likely to be significantly affected if his parents were not able to agree. It was concluded that a child protection assessment under section 47 of the Children Act 1989 should be carried out.

29. On 17th April 2013 there were communications between A and M about a solicitor who had been dealing with their litigation against the council. A team leader for the social services department signed off the CIN assessment, and on 17th April 2013 there was a strategy discussion.

30. On 18th April 2013 there was an email from M to A. This email was about what S had said about A, and M said that she had to report matters so that she would not be accused of neglect. On 24th April 2013 A commenced Family Court proceedings seeking an order that S reside with him, and in the alternative that there be contact between S and A.

31. On 25th April 2013 M called SW saying, among other matters, that she did not want S to have contact with A. She was advised to get legal advice. On the same day A called SW. He was angry at the delay which he believed was harming S, because he had not seen S for 3 weeks. A informed SW of the Family Court proceedings. SW said to A that the section 47 inquiry would not be completed until the police inquiry was complete.

32. On 3rd May 2013 there was a long discussion between A and SW, and it was noted that A's police interview was scheduled for 7th May 2013. A complained that there was no need for SW to wait for the police interview before speaking to him on a substantive basis. A reported that he believed that M was using any tactic to prevent him from being involved with the care of S, that S was happiest with both parents, and that A was concerned about S being restricted to contact with M. As I have set out above, I accept and find that M did not want contact between A and S. It is not for me to determine whether that was a reasonable approach for M to have taken.

33. In the course of the discussion A said that he had had good memories of the past dealings with the social services department in 2009 and 2010. It was apparent from the notes of the meetings that SW considered that A was likely to attempt to make arrangements for contact with S through S's school.

34. On 7th May 2013 there was an attempt to have A's interview with the police but it did not go ahead because of police concerns about the need to arrange for an appropriate adult for A.

35. On 9th May 2013 SW phoned A in response to messages left by A. It was not a happy phone call. A accused SW of breaching his article 8 ECHR rights, and complained about the fact that he was being investigated but M was not being investigated for coaching S. A thought SW was biased, but SW felt that she was not being listened to by A. SW advised A how to make complaints to her manager, and in the end

terminated the call. It was apparent from all the evidence that A had many qualities, but he enjoys arguing (he said in evidence that he had been schooled in the art of argument by his father) and it is apparent that once A has convinced himself of the correctness of his position, he considers that all it will take is time in argument before he is able to persuade anyone else to accept his view because it is right. It was apparent that A genuinely thought that SW was biased against him because the allegation of a smack by A on S was being investigated, but the issue of M coaching S was not being investigated. In my judgment A lacked the insight into the fact that he had not, in his first referral to the social services department, expressly referred to the fact that M was coaching S to make an allegation against him. Further SW gave evidence, which I accept, that she was no stranger to attempts by parents to use children to make false allegations, and that she heard and accepted what S had said. That is not evidence of bias on SW's part. It was in these circumstances that the call was terminated. SW said, and I accept and find, that she did not terminate many calls. This conversation does seem to have reinforced SW's negative assessment of A as a person.

36. On 11th May 2013 M communicated with the council about the outstanding litigation about disclosure, saying that A was playing games and she wanted to settle the litigation.

37. On about 13th May 2013 the police, who were continuing their investigation into the allegation against A, discovered the blogs which had been prepared by A. They were handed by the police to the social services department because the police considered that the social services department might consider them relevant to their investigation and assessment. A said that he was appalled that the police should consider it appropriate to have sent the blogs to the social services department, but it is apparent that the police were keeping the social services department informed about matters relevant for the consideration of the social services department arising from the police investigation. This is because, taken literally, the contents of the blogs and the comment about whether an 8 month old was a real person raised issues to be considered by the social services department. It is necessary to set out some of the details of the blogs and my findings on them.

The blogs

38. A said that he had set up his blogs, and sent out invitations to follow his blogs. He said he could see from automatic responses to the invitations that his blogs had been followed by members of the House of Lords.

39. One of the blogs was headed "*Catherine Schaible's right to choose*". The executive summary noted that Catherine Schaible had been convicted of involuntary manslaughter, it appears in proceedings in the United States. The blog continued "*recently, another of her five children, who was only eight months old, hardly what you'd call a "person" yet, also fell ill and died*" (underlining added). It continued "*if you don't want to kill your baby by neglect, then don't kill your baby by neglect. Simple*". Later in the article "*the Supreme Court of the United States has ruled that the government has NO RIGHT to interfere in a woman's private relationship with her physician*".

40. It was apparent, from the evidence before me and I find, that A has strong views that a foetus is a person and that abortion involves the wrongful killing of an unborn child, and that he does not consider that a pregnant woman has a right to choose what is to happen to her pregnancy in such situations. As A noted, one of the areas of disagreement between those who consider abortion is wrong and those who consider that a pregnant woman should have the right to terminate the pregnancy, is whether a foetus is a person. It is necessary to record this, because it is apparent that A's blog which caused the police and then SW the most concern was A's comment that an 8 month old child was hardly a person.

41. Another of the blogs was headed "*The homophobic manifesto*", below which was inserted a copy of the front of "The homosexual manifesto". A said that the "Homosexual manifesto" was a famous essay written by Michael Swift, with which A strongly disagreed. A's "homophobic manifesto" was said on his blog to be "a counterblast to Michael Swift's famous essay". The blog continued "*This essay is an outré oasis of sanity, a triumphant, benign fantasy, an eruption of inner love, joy and peace, on how the oppressed desperately dream of a world where nobody is persecuted for "thought crimes", not even homophobic people*", and it is apparent from A's evidence that he had used some of the wording in Michael Swift's "homosexual manifesto" but altered the views which were being promoted.

The evidence about A's beliefs

42. R gave evidence that at his church, attended by A, it is believed, among other matters: that abortion is wrong because it involves the wrongful killing of an unborn child; and that same sex sexual activity is wrong.

43. A gave evidence about his beliefs. It was apparent that he shared the belief that abortion was wrong because he said abortion involves the wrongful killing of an unborn child. I accept and find (and by the end of the case it was effectively common ground) that A was using the phrase about an 8 month old child "hardly" being a person in his blog in an attempt to parody the argument that a foetus is not a person. However it was also apparent from the evidence, and I find, that SW took the comment literally, and having taken it literally was understandably concerned about it.

44. The evidence about A's beliefs about same sex sexual activity was less clear. This was because although A said that he followed the teaching at his church by R on same sex sexual activity, he also said his views were homophobic. As Mr Pullen pointed out homophobia is defined as dislike or prejudice against homosexual people (paragraph 46 of the Defendant's Skeleton Argument) whereas the religious belief about which R gave evidence relates to the same sex sexual activity and not the person. In relation to the issue of homophobia A said that because he believes that same sex sexual relations are wrong he has been labelled homophobic, and he referred to newspaper articles. A then said that if that was the label that was used about him and his views, he would use it, and it was apparent that A referred to his views as homophobic to others. It was apparent from the evidence before me and I find that A considers same sex sexual activity to be wrong, and that he considers that same sex marriage should not have been legalised and that the campaigns for same sex rights should not have succeeded. A gave some evidence, which was not clear and about which it is not necessary to make findings, about his own sexual experiences as he

was growing up. It is difficult to determine whether A was homophobic (as defined by the Defendant), or simply repeating the label he said he had been given to him. It is not necessary to make a specific finding about this because, as appears below, in the specific circumstances of this case nothing turns on this finding.

Events in later May 2013

45. On 17th May 2013 there was a police interview with A. A gave evidence of an alibi at the time when it is alleged that he had smacked S, supported by a bus ticket. At the end of the interview A was told that no further action would be taken against him. The police also called SW and said that they did not have sufficient evidence to proceed. It was apparent that after the interview with A the police had concerns about A because they agreed that it was likely that S had been hit by A and advised that SW should not meet A alone because A might twist what was said. The police said that they were happy that SW could now meet A.

46. On 17th May 2013 there was a meeting with the team leader. It was reported that the police and social care believed what S had said. It was also noted "there is significant concern around the emotional impact upon child of [A]'s behaviours and beliefs which is evidenced on line, treatment of mother and general responses to anyone involved". The Case Management Decision was recorded. This showed SW as the "worker" and SM as the "manager". It reported that S's allegation that he had been hit in his face. The decision continued recording "The most significant concern relates to [A]'s attitude and behaviour and beliefs that he has shared via the internet. Particularly that an "8 month old child can hardly be called a real person". We do have evidence from previous interventions that [A] is known to have had mental health problems. There is significant evidence to suggest that [A] was very controlling and emotionally abusive towards [M] during their relationship, she now understands this …" (underlining added). It was also noted that there were Family Court proceedings, and that it was likely that the Court would require a section 7 report.

47. On 17th May 2013 SW sent M an email. This is another contemporaneous record of SW's views at that time. SW reported that "I will be telling [A] that I believed that he did hit [S] and also that I have concerns re the impact his views and behaviour will have on [S]'s emotional development. I will be saying that we do not support contact at this time … I will be informing him that we should not support him having shared residence of [S] and will be advising the court that if they deem contact to be appropriate it should be supervised and the frequency of contact should be restricted. I will be advising that these recommendations should remain in place even as [S] gets older. Obviously the court will make final decisions but they do generally take full account of our recommendations" (underlining added).

48. On 20th May 2013 SW invited A to a meeting on 23rd May 2013. There were some email discussions about a "not" which had been mistyped into SW's email, and A reported that he needed to take some decisions before the meeting, and he asked SW to phone him. A said he had some questions about the procedure. SW did not call. On 22nd May 2013 SW emailed M, recording that SW would be meeting A tomorrow and saying that SW would inform A that M did not support contact, which would have the advantage of removing A from S when he was being told that. This last

comment was designed to meet M's concern about how A would react to S if he was told that direct contact was not going to be recommended.

The meeting of 23rd May 2013

49. On 23rd May SW met with A. HV also attended the meeting. SW gave evidence that she kept a manuscript note of the meeting which she typed up after the meeting into the file note which is in the trial bundle. HV also produced a copy of the note that she had made of the meeting.

50. Having heard both SW and A, and also HV, and having had the opportunity to read the note made by SW and the note made by HV, I accept and find that both notes provide a reasonable picture of what occurred at the meeting. It was common ground that not every word had been recorded, and it is plain from the notes that SW's note was more comprehensive than the note produced by HV. I also accept that SW's note reflected the general order in which the discussion had taken place.

51. As appears from SW's note the meeting started off with a discussion about the completion of the police inquiry, and the fact that A would not be prosecuted. SW stated to A that she had heard S report that A had smacked him and believed him. I accept A's evidence that he responded with words to the effect of "audi alterem partem", and it is apparent from SW's evidence on this issue, which I also accept, that she did not immediately understand what A was saying. It was apparent that A considered it to be very unfair that he had not had the opportunity to answer the allegation made by S before SW had made up her mind that the allegation was probably true. This is because A said he was not even present at the flat when he was alleged to have hit S, and he relied on the bus ticket which he had produced to the police.

52. It is apparent that, notwithstanding what A said, SW believed S's disclosure to her about being smacked, because of the way S had reported it to SW. However it is also right to record that the fact that SW said that she believed S before hearing from A was unfortunate. This is because it meant that A lost confidence in the process. Even if A was not (in the final event) to have direct contact with S, it was important to ensure that the process was fair so as to command confidence. Although this was a difficult start to the meeting SW did say that the issue of whether A had smacked S would not be an unsurmountable obstacle to contact between A and S. SW did say that she did have other concerns "about his views and behaviours" that SW wanted to discuss with A.

53. A said, and I accept, that when SW said that she wanted to discuss his "views" his hopes sunk. A had read about a case which he understood to have involved the refusal to allow persons who shared his beliefs about same sex sexual behaviour to be foster carers, which was *R(Johns) v Derby County Council* [2011] EWHC 375 (Admin); [2011] HRLR 20. It is apparent from a careful reading of the judgment (which was the hearing of a renewed application for permission to apply for judicial review) that the local authority in that case did not have any policy to the effect that foster carers would have to compromise their beliefs about sexual ethics to be approved, see paragraph 15. However it is apparent that once A heard that his "views" were being considered, he said that he had a spiritual experience because A considered that he would be discriminated against because of his religious beliefs.

Indeed it is apparent from the way that A has put his case that he considers that this has happened in his case. I also find that A began to disengage from the process because he considered that he would never be supported in having contact with S.

54. A did ask SW what she meant, and SW replied that it was said that A had strong beliefs and that he never admitted that he was wrong. A replied that he did not understand, and that he was now 60 years old and was entitled to have opinions. SW then asked A about the blog and the reference to a child of 8 months not being a real person. A replied that SW was "not very clever" that it had been read out of context and that SW did not understand satire and black humour. A did say it was his way of using the pro abortion arguments to an older child, saying it was his way of explaining that the argument was not valid, and that SW was stupid if she had taken it as his view.

55. By this stage I find on the evidence that A was now convinced that he was going to be discriminated against because of his religious beliefs. He had stopped listening to SW. I also find that SW continued to take A's comment in his blog about an 8 month old child "hardly" being a person literally, and that she was concerned about it given the history of A's mental illness. The fact that SW continued to take the comment literally was in part because A did not bother to explain in clear terms to SW that he was attempting to parody arguments of those in favour of abortion, and that he had not intended the comment to be taken literally. Instead A had decided that SW was "stupid" and did not bother to explain what he meant to her. I also find that by this stage SW had become reinforced in her views that A was rude and incapable of compromise.

56. SW did continue saying that she was trying to understand A's views and whether he was able to negotiate and compromise, and allow children to develop their own views. A said he did not understand and SW then asked how he would feel if S came back and said that he was gay. A responded that S was only 2 years old. There is a dispute between SW and A about whether SW introduced this question by asking how A would react "if S came back and said I'm gay and I've got a boyfriend and you were violently opposed to this". A said this was how SW had put the question, and said that the question suggested her answer namely "you were violently opposed to this". SW did not remember framing the question in those terms. It is common ground that SW did ask A how he would feel if one of his adult daughters told him that they had had an abortion, and A replied that he would be devastated. SW asked how that would affect their relationship. SW said then records that A went off at a tangent, but A said that he was trying to explain his views.

57. It was apparent from SW's evidence, and I find, that she was not aware of Michael Swift's essay "the homosexual manifesto" or that A was writing his response to Michael Swift's essay. It was also apparent from the evidence, and I find, that A considered that it was obvious that this is what he was doing. Indeed A expressed surprise that Mr Pullen, on behalf of the council, should have asked questions about A's use of "homophobic" when questioning R. In this respect although A appeared to have taken offence at his views being characterised as homophobic (and it was common ground that there was a principled difference between religious beliefs about same sex sexual behaviour and homophobia) A did not seem to have insight into the fact that heading his own essay "the homophobic manifesto" might give rise to concern about whether A would let S develop his own views and beliefs.

58. It is not necessary to determine the minor disputes of fact between SW and A about what was said at the meeting. This is because I do not accept that either SW or A had a clear and reliable memory of exactly what was said at the meeting (which is not surprising given the passage of time) and because it is apparent that, whatever was exactly said, both A and SW stopped communicating with each other at the meeting. The evidence from both A and SW shows, and I find, that A had started saying that certain matters were none of SW's business, and this included issues about his mental health and his relationship with S. I should record that both were proper matters to be raised by SW with A. The meeting went on to discuss A's views about M's parenting abilities. The meeting concluded with A sharing his view about SW's bias, and that she was looking to get A out of S's life.

59. A has absolute freedom of thought and belief, and A has a qualified right to communicate his thoughts and beliefs, and it is common ground that the publication of the blogs was lawful. However given that he had expressed himself in a way that was open to misinterpretation if read literally, for example in relation to an 8 month old child being "hardly" a person, A should have been prepared to explain what he was intending to communicate to SW. That is not a "chilling" of freedom of expression, as A suggested in closing submissions, because A was at liberty to continue publishing the blog in that form, but it would have meant that SW's proper concerns formed because she had read the blogs literally were properly addressed. If A had taken the time to explain that the blogs were not to be taken literally, there is no doubt that the meeting of 23rd May 2013 would have been much easier for both A and SW.

60. I should also record that, having listened carefully to SW and her evidence that she was prepared at the meeting to reconsider her view, that I accept that SW was prepared to recommend contact between S and A, if she had considered as a result of the meeting that contact between S and A would have been in S's best interests. This is notwithstanding the terms of the email to M and the case management decision recording that the council had decided not to support A's contact with S. However I should record that the evidence showed that SW had formed clear views that: S's disclosure was genuine; A was intolerant of other views and difficult (partly from her telephone calls with A); and A's view was that an 8 month old was not a real person. This meant that she was very unlikely to change her view without an explanation from A about his blog.

61. Having seen the notes of the meeting and having heard both A and SW I am satisfied that SW's recommendation that A should not have contact with S was not made because A believed that abortion and same sex marriage was wrong. I am also satisfied and find that SW took A's blogs literally and was concerned that A had considered that an 8 month old child was not a real person (with all the obvious implications that such a view might have for his dealings with S). I also find that having read and taken the blogs literally, SW found support for her concerns from the reports by M to SW that A was intolerant of any different views from his own.

62. I should record that in questioning at the trial SW did accept that it might have been better to have tested A's abilities to parent without saying that she had concerns about his views and asking about how he would deal with S having a same sex sexual relationship when underage and his adult daughter having an abortion. The failure to ask the questions in a different way did not amount to any relevant breach of duty.

After the meeting

63. A sent SW an email referring to the meeting and SW's finding against him, and asking SW to contact his adult children who would be able to talk about M's behaviour and who would undermine the credibility of the complaints against A.

64. It is noted SW did not contact A's adult children, but A's adult children sent in emails to the effect that A had been a good parent who would not smack. SW noted that parenting and people can change over time.

No telephone call about a "duty to destroy" the relationship

65. A gave evidence that after the meeting SW telephoned him and said words to the effect that if she encountered a 2 year old with a homophobic father "and had the opportunity to destroy that two year old's relationship with his father, it was her duty to do so, lest that child was "gay", and the father would express displeasure at this". A said that this was so shocking to him, that there is simply no scope for his having misremembered this chilling conversation, noting that he was already aware of the case of Mr and Mrs John having been turned down as candidate foster carers after it had been discovered that they attended a church like the one that A had begun to attend.

66. SW denied that she had ever said any such thing to A, nor that she had ever thought that would be a proper approach to take.

67. A said that this telephone call took place after the meeting, and he said that he remembered that particularly because he wondered whether SW would have got back to Truro by the time of the call. A was surprised that there did not appear to have been any telephone call recorded after the meeting. He then suggested that the telephone call might have occurred the following day. A was shown a record of a phone call on 29th May 2013, which he said was not the phone call described. In that phone call there was further discussion about SW's belief in S's report of being smacked by A, A's views on M, and A's belief that he should have contact over the holidays with S. The telephone note did not provide any support for A's case about a conversation in the terms alleged by him.

68. On 31st May 2013 A send a long email to SW, updating SW on the Court proceedings, recording what had happened at the meeting of 23rd May 2013 from his perspective, and complaining at his continuing lack of contact with S, although it might be noted that the evidence shows that this was because of M's approach to contact between A and S. Towards the end of the email A referred to the fact that the alleged smacking was not an insurmountable obstacle to contact and A continued: "your only "insurmountable" remaining "concerns" are clearly based upon nothing more weighty than your personal dislike of the pro-life and hetero-normative beliefs that I publish on my blog, or other of my beliefs. You have admitted this". This email is consistent with A's evidence about his perception of the meeting of 23rd May 2013, but the email does not refer to any telephone conversation in which SW said that it was her "duty" to destroy A's relationship with S because of A's beliefs about same sex sexual relations. If any such telephone call had occurred, I consider that it is very likely that A would have included reference to it in his email dated 29th May 2013.

69. On 2nd June 2013 A emailed SW again. He said "I appreciate that you have told me so frankly that you disapprove of my beliefs, and the parenting style which you *imagine* beliefs like mine lead to …". Later in the email he referred to the fact that he had not been able to respond about parenting style at the meeting having been questioned in the abstract, given that he had been labelled a child abuser and because SW had expressed concerns about A's beliefs. A referred SW to an article about parenting style. A talked in that email about his beliefs, and said that he was seeking legal advice because of interference with his right to parent. A referred to the fact that he was seeking legal advice concerning SW's speculation about A's parenting style "based as you have admitted that speculation to have been, upon prejudice against my beliefs". Again the email did not refer to a conversation in the terms in which A reported it in his evidence.

70. I accept that the absence of references in the emails or in the note of a telephone call is not conclusive evidence that a phone call did not take place in the terms described, but in circumstances where A did record much of what had happened from his perspective, the failure to record the telephone conversation in those terms is important. SW was clear that such a conversation did not take place, and it did not seem to me that SW was likely to say anything to the effect that it was her duty to destroy a relationship between S and A. On the other hand A had convinced himself that this was the practical effect of what SW was doing (namely destroying his relationship with S because of his beliefs) and it was therefore a short leap for him to convince himself that SW had said such a thing. In these circumstances, I do not find that there was any such phone call between A and SW in which SW recorded that it was her duty to destroy A's relationship with S because of A's views. This is because there is no record of any such call at the time when A believes it was made, and because there is no reference to such a call in a near contemporaneous email sent by A in which he was making complaints about the council. I have no doubt that A has convinced himself that such a call was made, but that is because he has convinced himself that SW was acting against him because of his beliefs on abortion and same sex sexual relations, rather than because of what he had actually written on his blogs about an 8 month old being "hardly" a person and because of concerns about his mental health.

Matters leading up to the Family Court proceedings

71. SW commenced the section 47 assessment on 18th April 2013 and it was completed on 11th June 2013. That set out much of the information recorded by SW above. The report noted that S was being cared for by M and that there was no contact with A, meaning that the "s47 can close down".

72. In the interim A sent various emails to the council in which he made clear his dissatisfaction with his treatment by the council. On 21st June 2013 A emailed SW complaining, among other matters, about her failure to follow up inquiries with his adult children. A recorded concerns about what he said was misinformation in the section 47 report. A asked SW to visit him, so that what he said errors in the report would not be repeated. A complained by email saying that he wanted a meeting with SW.

73. During the hearing A said that the email amounted to a complaint, and that the council had treated him unfairly in not treating it as a complaint under their written

procedures. The council noted that when they had emailed the link about complaints to A by email dated 26th March 2014 he had not made any formal complaint. I accept that the email may have fallen within the definition of a complaint under the council's policy, but it was apparent that the council were concerned about A suing them and A did not complete a complaint form. This aspect of A's case was, as A accepted in evidence, a product of him studying the wording of the complaints process and working out that his email amounted to a complaint. It was not any evidence of wrongful treatment of A by the council, let alone any justiciable infringement of rights guaranteed by the 1998 Act.

74. The Family Court had requested a welfare report from the council pursuant to section 7 of the Children Act 1989. This was completed on 24th June 2013. It did not support shared residence or contact by the Claimant with his son. As part of the process of producing the report there was a Social Care Assessment Form dated 11th June 2013. This contained a very detailed entry in the box headed "Parent(s) … capacity to respond appropriately to the child". It was apparent that SW was aware of A's concerns about M and her ability to cope, and that some of M's complaints about A (for example the absence of spare clothes when S had been paddling in the sea) were noted to be "the type of issues that many parents debate when they have different parenting styles". The entry recorded M's apparent realisation that A had used M's emotional health against her, by threatening that the authorities would remove S from M. (I should record that this accorded with evidence given by A, namely that he thought that the authorities might remove S from M, but I should record that it was apparent from the evidence and I find that A genuinely believed that might happen). It was also noted that A had a forceful personality and considered that his views were generally more valid that anyone around him and that this approach "would have a significant emotional impact on [S's] developing sense of self". The entry also recorded that "it has been difficult to gain a full understanding in respect of [A]'s views and ideas as he does not fully co operate with what is asked of him but maintains his own agenda" and that A had been very challenging and used "methods of intimidation towards staff and professionals". It was noted that A believed that he had been stopped from seeing S because of SW's belief that he was pro abortion and homophobic, but that was not the case.

75. The section 7 report recorded, among other matters, that there were historical concerns in respect of A's mental health, but that he had been unwilling to discuss these. SW recorded that she did have concerns about the contents of the blogs which suggest that A did have some very fixed views. SW recorded "I was particularly concerned about his comment that an eight month old was described by him as "hardly what you'd call a person yet". I have given [A]'s explanation for this in the attached assessment, but remain unconvinced that he has appropriate views and expectations in respect of children. I would be concerned if [S] were to be exposed to these views whilst he is developing social awareness and moral opinions". The report recommended that S should reside with M. The report also concluded that S would benefit from a lessening of M's anxiety and continued "from observation and information to date this will be an outcome of her not having contact with [A] and her being able to relax about her fears for [S]'s safety when he is with his father". The report noted A's strong views and that S would be unlikely to question or form his own opinions, which would impact on his development and lead to conflict as an adult.

76. A contact session between the Claimant and his son was held, for the purposes of the Court proceedings, on 12th December 2013. It was attended by SW and SM. A and SW had different views about the success of the contact session, but the stress of such an event on a parent hoping to get support for continuing contact is obvious. On 6th January 2014 A was asked for feedback on this session.

77. The Family Court also ordered that a registered clinical psychologist prepare a report on the mental health and ability to parent of A and M. On 7th January 2014 the psychologist had a discussion with SW in which the psychologist expressed concerns about A's ability to parent and did not support shared residence because A would disrupt M's parenting. The psychologist advised that contact should be limited to three times a year supervised by two persons. The practical difficulties of dealing with that were considered, and it was noted that A was likely to overwhelm any staff at a contact centre.

78. On 15th January 2014 the psychologist telephoned SW and, having reconsidered her conclusions, advised that, in her opinion, there should be no contact between A and S. It was felt that A's involvement would undermine support for M and S.

79. The psychologist produced a report dated 17th January 2014. It was based on some 16 ½ hours of interviews, although A thought the meetings had been slightly shorter than that. The report concluded that A was an "emotionally vulnerable and psychologically damaged individual". It was noted that A and M could not work collaboratively to meet S's needs. In these circumstances the psychologist did not recommend direct contact, and recommended only indirect contact. It might be noted that much of the time with the psychologist appeared to be spent dealing with A's complaints of being misunderstood and mistreated by the council. The psychologist noted that this meant that it was difficult for A to be focussed on the assessment process. The psychologist noted that A referred to his pro-life and homophobic views. The psychologist noted that A talked over her, continued to talk when asked to stop, and then returned to topics already covered. The psychologist noted that A presented differing personalities, being vulnerable and then domineering. A was recorded as saying that he had successfully sued many professionals, and A referred to past sexual experiences and his dislike of the notion of same sex couples. There were in the report, for example paragraph 28, reports of A's comments which the psychologist considered was evidence of psychological damage, and which it is not necessary for me to set out. In paragraph 32 it is recorded that A has been twice sectioned under the Mental Health Act, and that A has found it difficult to engage with mental health services with complex delusional belief system.

80. It might be noted that in paragraph 67 of the report the psychologist reported that SW said that although it was worrying that S disclosed that A slapped him, "she is more concerned about [A]'s presentation, his mental health difficulties and his very strong pro-life and homophobic views. She noted that certain elements of [A]'s blog are also of concern. [SW] said that she observed contact between [S] and A and that [S] did not appear to be scared of his father … She also noted [A] made inappropriate comments to [S} and was not child focused in his parenting of him". The psychologist went on to note her own concerns that [A] was unable to put aside his own issues and to remain child focused.

81. In paragraph 71 of the report the psychologist noted the allegation of the slap, the fact that would not necessarily be grounds for no contact but went on "I am far more concerned about [A]'s presentation, his state of mind and his mental health difficulties, and how these negatively impact upon [S]". The psychologist recommended no direct contact.

82. SW produced an addendum section 7 report dated 17th January 2014 which reported on the contact session. Her recommendations had not changed.

83. A's applications were determined in the Family Proceedings Court on 27th February 2014 following a two-day hearing. A gave evidence that he was unhappy with his representation at the hearing. R gave evidence that he had gone along to provide support for A but had not been in the hearing. R had been shocked at the outcome and it is apparent that A wants contact with S.

84. The Court made a finding of fact that A did hit S on 2nd April 2013. It dismissed both the applications for shared residence and direct contact. In so far as indirect contact is concerned, it only permitted cards, presents, letters and photos to be sent to the child via a third party on three occasions during the year. Permission to appeal was refused.

No infringement of A's rights under the ECHR

85. As appears from the evidence and findings set out above I do not find that SW or the council caused A's lack of contact with S following the making of the allegation that A had hit S. On the evidence it was the police who had advised M that A should not have contact with S pending investigation of the allegation of smacking, and it was M who did not want A to have contact with S.

86. As appears from the evidence and my findings set out above I accept that SW was entitled to consider A's blogs and views when making her assessments and reports to the Family Court. This is because, when read literally (which was not the way A intended the blogs to be read) the blogs suggested that A did not consider that an 8 month old child was a real person. SW was also entitled to consider the strength of A's views and question whether A would tolerate any dissent, given M's reports about the strength with which A expressed his views and A's history. I am satisfied that SW did not act to stop A having contact with S because A believed that abortion and same sex marriage was wrong, and I have already confirmed that it was common ground that if SW had taken any such approach it would not have been lawful.

87. As appears from the evidence and my findings set out above I do not accept that there was a telephone call in which SW recorded that it was her duty to destroy A's relationship with S because of A's views. This is because there is no record of any such call at the time when A believes it was made, and because there is no reference to such a call in a near contemporaneous email sent by A in which he was making complaints about the council.

88. I accept that social workers deal with some of the most vulnerable members of society, and work in very difficult circumstances. However I should record that it is apparent that the way in which SW reported her concerns about A's views to A in the meeting of 23rd May 2013 was not, as SW fairly accepted with the benefit of hindsight, the best way of approaching the matter. This is because it led A to become

disengaged with the process, in part because of his misunderstanding about the legal effect of *R(Johns) v Derby County Council*. This meant that SW was not able to communicate that it was her concern about whether A would permit S to develop his own views because of the strength of A's views rather than an attack on A's views, that was in issue.

89. SW's approach did not involve any infringement of A's rights. I did not find any infringement of any of A's rights protected by articles 8, 9, 10, 12 and 14 of the ECHR. The interference with A's private life protected by article 8 of the ECHR occurred because M did not want contact between A and S and because the Family Court did not order contact. Any interference with A's private life was justifiable. There was no impermissible interference with A's rights to hold or manifest religious beliefs protected by article 9 of the ECHR, because A can still hold those beliefs and publish his blogs, and there was proper questioning about the literal content of the blogs and A's views for the reasons set out above. There was no impermissible interference with A's freedom of expression, because he can still communicate his views and the questioning about his views was permissible and proper given the literal content of the blogs and A's past history. A had the right to marry under article 12 of the ECHR but it was the decision of A and M not to marry. There was no discrimination under article 14 of the ECHR.

90. I should also record that I was concerned that SW did express her view that she would not support contact between A and S before having met A, as evidenced by the email dated 17th May 2013. My concern was because although, as the email dated 17th May 2013 made clear, the final decision on contact between A and S would be for the Family Courts, the Family Courts will generally take full account of the council's recommendations. In these circumstances it is important to respect principles of fairness when undertaking the process of producing the reports which are likely to influence the Courts. This is because if the process is fair the reports will, among other matters: (1) be more likely to be right. For example to decide whether a blog is to be taken literally or as a parody of someone else's views, needs the input of the person whose blog is being considered; (2) be more likely to command the respect of the parties. If a party does not consider that they have had an opportunity to be fairly heard they will often see only the unfairness of the process, and will be unable to look beyond that to the merits of the decision. The report from the psychologist shows that A spent a great deal of time explaining how he had been misunderstood and mistreated by the council rather than engaging with the process to be undertaken by the psychologist; and (3) be more likely to command the respect of others and society in general. It is obvious that not every recommendation in a report will be right. However reasonable persons will respect views with which they disagree more readily if the process employed to make those decisions is fair.

91. Having said that what fairness requires in a particular case will depend on the individual circumstances of each case, and I should record that, having listened carefully to SW, and having considered the reports produced by SW and the council, I am satisfied that if SW had been persuaded after meeting A that contact between A and S was in the best interests of S, SW would have made a recommendation that there should be direct contact between A and S. It is also apparent that before the section 47 inquiry was completed and the section 7 report concluded SW did meet and hear directly from A, and there was nothing which caused SW to change her views

about contact. As Mr Pullen pointed out, the decision on contact was for the Family Court, and A had rights of appeal in respect of that decision which were not pursued. In these circumstances I am satisfied that the process of producing the reports for the Family Court was fair and there was no infringement of article 6 of the ECHR. If A had points about the way in which the relevant reports had been compiled by SW and the council which meant that the reports should be ignored or given little weight, those points were to be raised and determined in the Family Court proceedings.

92. I should record that I did not consider that any of A's complaints about his inability to attend school plays, or the council's actions in taking forward S's registration for a school when there were competing requests for schools from A and M, disclosed any infringement of A's rights by the council. As to the inability to attend plays, this was because the evidence shows that the schools made the decisions about ticket requirements and attendance at the plays. It appears that there was a dispute raised by A about the proper interpretation of the order made by the Family Court, but A has always been able to apply to the Family Court for further or other orders or, if necessary, for an order that a proposed course of action would be lawful. As to the application for a school place, the council was right to decide that the least worst option was to put in one request for S's schools in circumstances where M and A had not agreed and S would lose out if one request was not actioned.

93. Although SW recommended that S should reside with M and have no direct contact with A, that recommendation was not made because of impermissible gender bias, but because SW believed that M, with whom S was living, was best able to support S's needs. There was no pleaded issue about the public sector equality duty, and I could not discern any breach of the duty in the materials before me.

Conclusion

94. For the detailed reasons set out above in my judgment there was no infringement of A's rights protected by the ECHR by the council. I did not find any other relevant breach of duty on the part of the council. I therefore dismiss A's claims against the council.

IN THE PLYMOUTH COUNTY COURT A88YJ875

Between

Mr John William Allman

Claimant

and

The Cornwall Council

Defendant

Amended Particulars of Claim

These Particulars of Claim have been amended primarily to add section D at the end, in compliance with the direction of Deputy District Judge Walker of 22nd August 2014, paragraph 2, that "the Claimant do file and serve amended Particulars of Claim to include a concise statement of the facts upon which the Claimant relies". For ease on the reader's eye, the new, additional section D has not been typed entirely in red, as is customary for the purposes of identifying what has been amended, in amended pleadings.

A Facts asserted in the original Particulars of Claim, and still asserted

1. On 3rd April 2013, the Claimant ("I"/"me") made a referral of my son, a minor, to the Defendant ("the council") via the Multi-Agency Referral Unit (MARU), expressing my concerns about my son's welfare and safety. During the ensuing period, the council undertook an enquiry which it has described as having been pursuant to section 47 of The Children Act 1989, and has engaged in other conduct.

2. The council's conduct (both acts and omissions) since the said referral of 3rd April 2013, has been incompatible with my Convention rights, contrary to the Human Rights Act 1998 section 6(1), specifically my Articles 8, 9, 10 and 14 rights.

3. For example, the council's activities included an impertinent investigation into my thoughts, conscience and religion (Article 9), especially into my "beliefs". These were moral beliefs that I have held since my youth. The beliefs concerned are commonplace within my own (Christian) faith community. The leaders of the church I attend approve of the said beliefs. The council's investigation into my beliefs occurred because I disapproved of the elective termination of pregnancies, and of homosexual behaviours. I had been openly critical of the Marriage (Same Sex Couples) Bill before it was enacted. I believed that the Abortion Act 1967 should be repealed because the practices of the abortion industry amount to nothing short of decriminalised homicide. These are serious and cogent beliefs, worthy of respect in a democratic society, sincerely held, and moderately and reasonably expressed in writings of mine that are published on the internet, for example on a blog of mine that is followed by well over a hundred members of the UK's legislature, either the House of Commons or the House of Lords in each case.

4. The council's conduct breached its public sector equality duty set out in the Equality Act

2010 section 149(1). For example, the council failed to "have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it". In particular, the council failed to have due regard to the need to foster good relations between male and female persons (especially between fathers and mothers of the same children, where the need to foster good relations is exceptionally pressing), and the need to foster good relations between persons with my particular beliefs, and persons with contrary beliefs.

5. The council's treatment of me, as a person with the particular beliefs that I hold and express, was different, as touching my Convention rights, from the treatment I would have enjoyed, had I held and expressed different beliefs on the matters concerned. The United Kingdom cannot justify reasonably and objectively this different treatment of me as touching my family life (including my Article 12 right to "found" a family) on the grounds of my beliefs and/or my expression of those beliefs. This different treatment engaged my Article 14 right, in conjunction with my various other Convention rights, especially my Articles 8, 9, 10 and 12 rights.

6. The council's treatment of me, as the father of my son (a *male* parent) was also different, as touching my Convention rights, from the treatment I would have enjoyed, had I been the mother of my son (his *female* parent). The United Kingdom cannot justify reasonably and objectively this different treatment of me as touching my family life on the ground of my gender. This different treatment engaged my Article 14 right, in conjunction with my various other Convention rights, especially my Articles 8, 9, 10 and 12 rights.

7. The council also made various oral and/or written publications about me that engaged my Article 8 right and were incompatible with that right and/or other of my Convention rights. They amounted to acts of data processing of personal data about me, on the part of a data controller, which breached Data Protection Principles of the Data Protection Act 1998. The publications were made internally amongst the council's own staff and to others including police officers and staff at my son's pre school, before, during and after the council's section 47 enquiry. I am not referring in this paragraph to any publications that were privileged.

8. Thus and otherwise, the council's conduct was incompatible with my Convention rights.

9. The council's conduct also exhibited procedural impropriety, in that both of the two principles of natural justice were clearly violated. *Audi alteram partem* was violated by the council's omissions to hear from me, adequately or at all, before forming adverse and unalterable opinions as to the facts of the matter and about my character. *Nemo judex in causa sua* was violated in that the council had been (and still remains) my defendant in another claim, which was brought under the Data Protection Act 1998 (DPA), for subject access to the personal information that the council holds about me. That other claim had already been in court for almost a year by the date of my referral of my son to MARU. There is compelling evidence that the council's two roles, as the data controller who was the defendant in my DPA Claim, and as the public authority responding to my referral of my son, were not kept separate as they should have been, but rather were allowed to influence one another profoundly, to detriment of me that engaged my Convention rights.

10. For brevity, any more detailed assertions of fact than are set out in these Particulars of Claim are best left to evidence and argument at the relevant stage of proceedings, if the Claim is defended.

B Limitation period, pre-action protocol and early directions

11. Some of the evidence of the council's conduct already available, running to several hundreds of pages, was not disclosed until as late as 20th February 2014. It has therefore not been safe for me to pursue any relevant pre-action protocol, without risking this Claim becoming out-of-time. However, in parallel with my bringing this Claim, and in lieu of any pre-action protocol, I am willing access the council's complaints procedure, in the hope that this might accomplish Alternative Dispute Resolution (ADS). This Claim, if defended as to facts, liability, reliefs and remedies or quantum, will therefore be able justly to be stayed with liberty to restore, possibly before allocation to a track, in order to allow this attempted ADS using the council's complaints procedure to take place unhurriedly. It is to be hoped that successful ADS using the council's complaints procedure will enable parts or all of this Claim eventually to be abandoned with the future consent of the parties concerned, because the council's response to my use of its complaints procedure shall by then have satisfied me.

12. ~~Because I have not used any pre-action protocol, nor used the council's complaints procedure sufficiently early before bringing this claim or at all,~~ I seek early directions from the court, that the council should refrain (if the Claim is defended) from refusing to investigate my grievance using its ordinary complaints procedure as a means of attempted ADS. I also seek directions that the council (if the claim is defended) should refrain from accounting for its expense in participating in its own complaints procedure (which is ordinarily a free service) as costs in this case.

C Reliefs and remedies sought if ADS fails

13. I am bringing this Claim under the Human Rights Act 1998 section 7(1)(a), seeking such reliefs and remedies as the court considers "just and appropriate" pursuant to HRA s8(1). In order to provide to me, a person with the necessary Convention and HRA victim status, with just satisfaction, I wish these reliefs and/or remedies to include financial compensation in the sum of £10,000.

14. Insofar as the council proves that statute obliged certain of its conduct that is found nevertheless to have been incompatible with my Convention rights, i.e. that HRA s6(2)(a) or s6(2)(b) applies, then I seek any necessary Declarations of Incompatibility, pursuant to HRA s4.

D Concise statement of facts upon which the Claimant relies

15. The Defendant, between 3rd April 2013 (the date of the referral) and 23rd May 2013 (the date of the meeting) began to be diligent to procure that there should be no further direct contact between the Claimant and his minor son, potentially and intentionally subjecting that minor child to the serious harm of *unnecessary* paternal deprivation, and the Claimant to a severe infringement of his Article 8 right, namely filial deprivation. That diligence in procuring that outcome has persisted unabated up to and including the present day.

16. In particular, the Defendant (as it has admitted) "supported" the mother of the Claimant's minor son, to continue in her own initial efforts to inflict paternal deprivation upon the child, and filial deprivation upon the Claimant, even to the point of intimidating the mother

(admittedly) with threats of adverse consequences, in the event that she relented from this behaviour of hers. This was initially a behaviour freely chosen on her part (for whatever reason), but which became soon thereafter a behaviour encouraged expressly on the part of the Defendant, even to the point of the said behaviour becoming (as it were) *mandatory*.

17. At all relevant times, the Defendant has almost completely refrained from communicating with the claimant about the Claimant's concerns about his minor son's well-being, openly and honestly, or at all. This notwithstanding that it had been the Claimant who had made the referral of his son because of his grave concerns (*inter alia*) of the harm that paternal deprivation would be likely to inflict upon his son, and his grave concerns about the harm that filial deprivation might inflict upon the Claimant himself for that matter, and other concomitant concerns to do with (for example) the child's religious education proposedly to be received from his father, the child's wider family and the sense of identity that that wider family would be capable of conferring upon the child, and the risks posed to the child by witnessed maternal child-abusive behaviours caused by his mother's paranoid and delusional belief systems, which the Defendant appears to have decided, summarily and ill-informedly, not to learn about at all, from the Claimant or from anyone else, notwithstanding four earlier referrals of the same child by professionals concerned about his *mother's* mental health.

18. This almost complete omission to communicate with the Claimant throughout the past seventeen months or so, has made it impossible for the Defendant to defend credibly any abiding adherence to decisions it may have taken (formally or informally) to begin or to continue single-mindedly to attempt to inflict continued and long-lasting paternal deprivation upon the minor child, filial deprivation upon the Claimant, fraternal deprivation upon the child and his siblings, avuncular deprivation upon the child and for his nephews and nieces, etc. From the outset, the Defendant chose to operate in what might be described as an "information partial vacuum" (so-to-speak), by almost *never* listening to *anything* the Claimant had to say.

19. At the particular relevant time concerned (the few days following the meeting of 23rd May 2014), and with the same effect as aforesaid, the Defendant (on its own admission) refrained from interviewing representative adult members of the (rather large) paternal side of the minor child's family, which altogether comprises (mentioning only blood relatives) three aunts, two uncles, four adult half-siblings, and eight nephews and nieces of the minor child. As the Defendant has admitted, the reason for this omission was that the Defendant's mind was already made up before the first and only meeting, on 23rd May 2013, between the Claimant and the Defendant following the referral on 3rd April 2013, and "no amount of evidence would be capable of changing" the Defendant's "mind" (and, by implication, behaviour).

20. The Defendant would <u>not</u>, in the mirror image circumstances that provide the appropriate comparator, have begun diligently to procure that the minor child suffered the hardship of *maternal* deprivation, without hearing *at all* from the child's *mother*, as it had sought to procure *paternal* deprivation without first hearing *at all* from the Claimant *father*, even though he was the referrer for child safeguarding social work in the present case.

21. This disparity amounted to, *prima facie*, what might be euphemised as "gender asymmetry" in the Defendant's entire procedure: in other words a (likely *institutional*) Article 14 discrimination against *all* male parents (i.e. fathers). This gender asymmetry groupthink is amply reflected in the tendency of the Defendant to refer to mothers as "primary" carers of children, as opposed to how the Defendant presumably regards fathers, as mere "secondary" carers at best, but dispensable as carers at all, whenever there is a quarrel between a two natural child's parents, who will naturally always be of different sexes, the Public Sector

Equality Duty concerning the "need" to foster good relations between men and women notwithstanding.

22. On its own admission, the Defendant really *did* conduct an investigation into the Claimant's beliefs (see paragraph 3 above). (The Claimant asserts that this investigation was unlawful.) The purpose of investigating parents' beliefs in child safeguarding work can *only* be in order to treat different parents differently, depending upon what beliefs they hold, and whether the public authority likes those beliefs, and wants children to be "exposed" to them, because they have parents with those beliefs. This inquisition clearly engaged the Claimant's Article 14 rights in conjunction with his Articles 8, 9 and 10 rights.

23. On its own admission, the Defendant's only, expressly-stated "insurmountable" reason for diligently seeking to procure lifelong paternal deprivation for the minor child (etc) after 23rd May 2013, was its stated "concerns" about the Claimant's "beliefs". This amounts to nothing less than a *prima facie* admission of different treatment of the Claimant *because of his beliefs*, with another hypothetical father with different beliefs from those of the Claimant as the appropriate comparator.

24. The Defendant's conduct was based more-or-less entirely upon the utterly naïve credence it placed, without further enquiry, upon allegations made by the minor child's mother against the Claimant father, allegations that the Claimant would have denied and refuted soundly, had the Defendant bothered to put those allegations to the Claimant before deciding to foster bad relations between the parents, to inflict paternal deprivation upon the child, and filial deprivation upon the Claimant father, and so on. Yet putting allegations to the accused before making any judgments based upon untested allegations is surely the very *least* that Natural Justice demands that the Defendant should have done, even if continuing to eschew any other communication whatsoever with the Claimant, to whose referral of his own son the Defendant was supposed to be responding.

25. Tediously predictably, the mother of the minor child of course alleged falsely (at some very early stage) that the Claimant had subjected *her* to intimate partner violence! (How else was she to obtain Legal Aid to defend the Claimant's imminent application for shared residence, having eschewed mediation? To misquote Profumo Affair witness Mandy Rice-Davies, "She would say that, wouldn't she?") The Defendant appears immediately to have believed those far-fetched allegations of hers, unswervingly, and therefore to have referred the mother promptly to a (sexist) support project for (female-only) survivors of intimate partner violence, called The Suzie Project.

26. Reluctantly, the Claimant admitted on 23rd May 2014, that the shoe was in fact on the other foot, so-to-speak. He denied inflicting intimate partner violence, and confessed (nervously) that, rather, the mother of the minor child had inflicted to intimate partner violence upon *him*. The Defendant appears not to have placed any credence at all upon this risky revelation. (The risk lay in that the Defendant might promptly set about depriving the child of *both* of his natural parents, which would be even worse for the child concerned than the Plan A, by then already set in concrete so-to-speak, of depriving him of only one of his two natural parents.) The Defendant has never offered to refer the Claimant to any support project for survivors of intimate partner violence. This amounted to unlawful Article 14 different treatment of a man and a woman in *identical* circumstances. Furthermore, this telling, manifest gender asymmetry flawed the entire child safeguarding social work undertaken fatally, rendering *all* of it an interference in the Claimant's Article 8 right that was not "in accordance with the law", or "necessary in a democratic society" (Article 8.2).

27. The Defendant exploited the deterioration of the relationship between the Claimant and his

son's mother, in order to seek advantage in the DPA proceedings, even though its deliberately worsening of the relations between the male and female parents of a client child was the most effective means to that end, and the means adopted. The Defendant deliberately attempted to worsen further the already sub-standard relationship between the two parents, "divide and rule" tactics that were the very antithesis of the Defendant's Public Sector Equality Duty to "have due regard to the need to foster good relations" between all the men and the women touched by their "functions". (Equality Act 2010 s149.)

28. The Defendant exploited the DPA proceedings to obtain greater leverage in its mischievous attempts to inflict paternal deprivation upon the claimant's minor son, filial deprivation upon the Claimant, etc.

29. The Defendant did not adhere at all to the statutory complaints procedure for complaints about children's social work, mentioned in its leaflet "Listening and Learning", upon receipt of various complaints about children's social work that the Claimant made at various times between 2nd April 2013 and 1st June 2013. (The Claimant still pleads for the "early directions" of paragraph 12 above, to remedy this omission.)

30. The Defendant reviled the Claimant to the staff of Launceston Pre School Learning Association (and probably others). One notable example of this reviling of the Claimant, is as follows: The Claimant had, on 2nd May 2014, made an appointment at 4 p.m. on 7th May 2014, to meet with his son's pre-school teachers to discuss his son's education and development. On 3rd May 2014, social worker Sally Burchell notified the Claimant that she had *instructed* the pre-school to *call the police* if the Claimant attended the pre-school to keep that prior appointment!

31. One result of the Defendant's reviling of the Claimant was as follows: The Claimant applied in October 2013, through Stags letting agency, to rent a residential property as his new home, which the aforesaid pre-school was offering to let. The said landlord *refused to consider* the Claimant's application to become the tenant of that property. The Defendant had (the Claimant believes he can prove, on the balance of probabilities) intimidated the landlord into withholding this (presumably) true explanation as to why the landlord considered the Claimant to be an "unsuitable" prospective tenant.

32. Only when the Claimant *sued* the landlord for disability discrimination did the truth become known to the Claimant, about the Defendant's interference in the "home" aspect of his Article 8 right, effectively blocking the Claimant's tenancy of a better dwelling than his home at the time. The Claimant only learnt this from the defence filed in this disability discrimination claim of his against the landlord, who admitted in that defence having thus been influenced by the present Defendant to refuse to let its flat to the Claimant, no matter how impeccable his references might turn out to be.

33. As the Defendant admitted in a letter to the Claimant dated 30th April 2014, the Defendant deviated from its usual procedure when responding to the Claimant's application for a place for his son at the primary school Windmill Hill Academy. The Defendant has ignored the Claimant's attempt to appeal against the allocation of place at St Stephens Academy to his son, and his request that his son should be placed upon the waiting list for a place at St Catherines C of E School, his mother's first preference, and, by then, the Claimant's first preference.

34. Clandestine communications between the Defendant and the police, in which (according to the police) the Defendant reviled the Claimant, were a causative factor in the outcome that during March 2014, the police published a secret "to whom it may concern" letter, a copy of which found its way into the Claimant's son's school file at St Catherine's C of E School.

(Who else has seen this reviling letter may take a few more months to uncover.)

35. The effect, upon the school, of this promiscuously-published reviling letter from the police, in part motivated by the clandestine communications of the Defendant, was that the Claimant's son's pre-school teacher mistakenly believed that she was not *permitted*, by *law*, to pass to the Claimant's son two age-appropriate books containing bible stories for children (about Daniel in the Lions' Den and the Feeding of the Five Thousand) that the Claimant took to the pre-school on 21st July 2014, the *only* occasion on which the Claimant had *ever* attempted to get such a gift to his son via his pre-school.

36. The Defendant has, thus and otherwise, made every effort, since on or shortly after 3rd April 2013 and (most likely) up to and including the present day, simply to *erase* father and son from each other's lives, to all practical intents and purposes. This effort has gone far beyond the call of duty, if the duty is merely to safeguard the child, and when requested to prepare a factual welfare report with rational and fair recommendations, if and when a family court requires one from the Defendant to use as evidence in private family proceedings.

37. The Claimant repeats the previous paragraph, in respect of the Defendant's parallel effort (in part motivated by the advantage thus to be gained in the DPA proceedings) to worsen the relations between the man and the woman who are the father and the mother of the Claimant's minor son. This contrasts sharply with the behaviour one might hope for, on the part of a public authority that intended to discharge conscientiously its statutory Public Sector Equality Duty to "have due regard to the need to foster good relations" between men and women.

38. The social worker Sally Burchell identified herself to the Claimant's mother as *herself* the refugee from a former, by-then-ended, "abusive" intimate-partner relationship with a male person who had presumably once shared a bed with Ms Burchell, but whom she now disdained. (Some vicious, quasi-feminist "all men are bastards" girl-chat – or misandric "hate speech" - is highly likely to have ensued.) The Claimant expects to be able to prove at trial, if necessary, on the balance of probabilities, using certain in particular of the 1,200+ pages of social work records in his possession (which include very telling email dialogue between the two women in question) to inform his cross-examination of this witness, that Sally Burchell's personal "baggage" (so-to-speak) contaminated irretrievably the entire children's social work that the Claimant requested, when he foolishly referred his beloved son to the Defendant, hoping for professionalism from the Defendant, hoping for Public Sector Equality Duty compliance (the fostering of *good* inter-gender relations, not that his son should become yet another casualty of the raging "Smash the Patriarchy" gender war before he'd even learnt to talk!), and hoping for the Defendant's *help*, in his *sincere* and *righteous* mission to rescue his precious son from the lifelong harm of years of early-years paternal deprivation, in the infliction of which the Defendant has connived throughout, to put it mildly.

I, John William Allman, believe that the facts stated in these Particulars of Claim are true.

Signed:

John William Allman

Date: ~~29th March 2014~~ 8th September 2014

Amended Defence by Order of Deputy District Judge Walker dated 13 August 2014

IN THE COUNTY COURT SITTING AT TRURO CLAIM NUMBER: A88YJ875

BETWEEN:

MR JOHN WILLIAM ALLMAN

Claimant

and

THE CORNWALL COUNCIL

Defendant

AMENDED DEFENCE

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1. Paragraph 1 of the Amended Particulars of Claim is admitted to the extent that the Claimant made a referral to the Defendant via the Multi-Agency Referral Unit on 05 April 2013. It is denied that the Claimant expressed concerns about his son's safety. The referral related to the Claimant's concerns about an allegation made against him. It is admitted that the Council undertook enquiries pursuant to Section 47 of the Children Act 1989. The subject of those enquiries and the said referral were addressed in proceedings pursuant to Section 8 of the Children Act 1989 in the Plymouth County Court under Claim number PL13P00630 to which the Claimant was a party. Those proceedings were determined by an Order dated 27 February 2014. The Claimant is required to explain what is meant by the phrase '... *and has engaged in other conduct*' and is put to proof in respect of such matters.

2. As to Paragraph 2, it is denied that the Defendant's conduct has ever been incompatible with the Claimant's convention rights and/or contrary to the Human Rights Act 1998 for the period alleged or at all.

3. As to Paragraph 3, it is denied that the Defendant carried out any investigation into the Claimant's thoughts, conscience, religion or beliefs. The Claimant is required to state, how and when the Defendant is said to have carried out such an investigation. The Defendant neither confirms nor denies the Claimant's assertions about his beliefs.

4. As to Paragraph 4, it is denied that the Council failed to have regard to its duty to have due regard to the need to achieve the aims set out in Section 149 of the Equality Act 2010 or that it breached its duty under that section. The Claimant is required to state how, why and when the Defendant is said to have breached its duty.

5. As to Paragraph 5, it is denied that the Defendant has treated the Claimant in any manner different to that of others because of his alleged beliefs. The Claimant is required to state how, why, when and in what way the Defendant is alleged to have treated him differently because of his beliefs.

6. As to Paragraph 6, it is denied that the Defendant has treated the Claimant differently because of his sex or that such conduct was not justified in law. The Claimant is required to state how, why, when and in what way the Defendant is alleged to have treated him differently because of his beliefs.

7. As to Paragraphs 7 and 8, it is denied that the Defendant made any written publications about the Claimant that were (or otherwise acted in a manner that was) incompatible with his convention rights or that the Defendant breached the Data Protection Act 1998 as alleged. The Claimant is required to state how, why, when and in what way the Defendant is alleged to have acted unlawfully.

8. As to Paragraph 9, it is denied that the Claimant *'exhibited procedural impropriety'* or that principles of natural justice were violated. The Claimant has already issued separate proceedings in the County Court sitting at Bodmin under Claim Number 2BJ00173. Those proceedings were based on the same subject matter as this seeking a remedy based on the content of paragraphs 7, 8 and 9 in the Amended Particulars of Claim in this action. Any attempt by the Claimant to refer to and/or re- determine issues in other proceedings amounts to an abuse of process.

9. As to Paragraphs 11 and 12, the ability for the Claimant to raise his complaint within the Defendant's internal complaints process and the failure to follow any pre-action conduct further demonstrates the extent to which the claim amounts to an abuse of process. It is denied that the Claimant is within time or indeed entitled to claim in law.

10. To the extent that any of the Amended Particulars of Claim allege a claim under the Human Rights Act 1998 ('the Act');

(a) It is admitted that the Defendant is a public authority within the meaning of Section 6 of the Human Rights Act 1998 ('the Act').

(b) It is denied that the Claimant is a victim within the meaning of section 7 of the Act.

(c) It is denied that the Defendant has interfered with the Claimant's rights as alleged or at all.

(d) It is denied that the Defendant is in breach of statutory duty pursuant to Section 6 of the Act in that the Defendant has acted in a way which is incompatible with a Convention right.

(e) To the extent that there was any interference with the Claimant's Convention Rights;

(i) the interference was in accordance with law in that it was permitted by, or was to give effect to or enforce, under the provision of primary legislation and the Defendant could not have reasonably acted differently,

(ii) the interference was necessary in a democratic society for the protection of the rights and freedoms of others in that there is a pressing social need for such interference, and/or

(iii) the interference was proportionate.

11. As to Paragraphs 13 and 14, it is denied that the Claimant is entitled to the amount claimed or indeed any declarations or relief. It is denied that an award of damages is necessary to afford just satisfaction for the alleged interference with the Claimant's Convention rights. It is denied that the Claimant has suffered a financial detriment as a result of the actions or omission of the Defendant. It is denied that the Claimant is entitled to any declaration of incompatibility.

12. As to Paragraph 15, it is admitted that 3rd April 2013 was the date of the referral andthat the date of a meeting between a social worker officer of the Defendant and the Claimant was 23 May 2013. It is denied that the Defendant procured that there should be no further direct contact between the Claimant and his son. It is denied that the Defendant subjected the child to 'paternal deprivation' or that the Defendant subjected the Claimant to 'filial deprivation'. It is further denied that the Defendant has subjected the Claimant's son to serious harm or that the Defendant has infringed the Claimant's Article 8 right. The Claimant is required to set out how, why and when the Defendant is said to have infringed the Claimant's Article 8 right. Following the Claimant's referral to the Defendant, the Defendant took part in a multi-agency strategy discussion with the police on 17 April 2013. As the Claimant's referral related to the Claimant's concerns about an allegation that he had hit his son, who was at that time 2 years 11 months old, it was decided at the multi-agency strategy discussion that the Defendant would conduct an enquiry pursuant to Section 47 of the Children Act 1989 to investigate the substance of the allegation. A Social Worker officer of the Defendant accordingly undertook an assessment pursuant to Section 47 of the Children Act regarding the child's wellbeing. At the time of the Claimant's referral, the child's mother had already made a decision herself that she did not wish the Claimant to have contact with his son. The outcome of the Section 47 enquiry was, on the balance of probability, that the Claimant had hit his son. Although the child was dealt with as a 'child in need' under section 17 of the Children Act 1989, the Defendant decided that it did not need to intervene as the child was protected because he resided with his mother and not his father.

13. Further, at the time of the referral, the Claimant and the child's mother were both parties in private law proceedings (in respect of which the Defendant was not a party) in the Plymouth County Court to determine the residence of the child pursuant to Section 8 of the

Children Act 1989. On 24 June 2013 the Defendant completed a welfare report about the child to Plymouth County Court under section 7 of the Children Act 1989 at the request of the Court. A subsequent addendum welfare report pursuant to Section 7 of the Children Act 1989 was completed by the Defendant on 31 January 2014, also at the Court's request. The Court also requested a psychologist's report regarding the Claimant, his child and the child's mother from an independent psychologist. On 27 February 2014, an Order was made determining the private law proceedings in Plymouth County Court. The Court made a Residence Order in favour of the mother of the Claimant's child, ordering that the child was to reside full time with its mother and that the Claimant's application for direct contact with the child was dismissed. A Finding of Fact was made in the Order that on 2 April 2013, the Claimant had smacked the child on his face leaving a mark.

14. As to Paragraph 16, it is denied that the Defendant has made an admission as alleged or intimidated the mother with threats of adverse consequences as alleged. The Claimant is put to proof in respect of the alleged admission and the alleged intimidation. It is denied that the Defendant encouraged the mother to disallow contact between the Claimant and the child. The mother had made a decision not to allow contact prior to the involvement of the Defendant. The Defendant supported the mother in her decision not to allow contact as, in accordance with its child protection duties, the Defendant considered this necessary to safeguard the child.

15. As to Paragraph 17, it is denied that the Defendant 'almost completely' refrained from communicating with the Claimant about the Claimant's concerns about his son's well being at all relevant times or that the Defendant communicated dishonestly with the Claimant. However, after 13 June 2013, the Defendant's communications with the Claimant became necessarily limited on

the basis that the Claimant's correspondence related to a matter that had already been investigated and the Defendant's case was closed. It is admitted that the Claimant made a referral to the Defendant via the Multi-Agency Referral Unit on or around 5 April 2013. It is denied that the Claimant expressed specific concerns about his son's welfare and safety at the time that he made his referral. His referral related to the Claimant's concerns about an allegation that had been made about him in relation to his son and that the Claimant believed that it would be detrimental to his son if he did not have contact with the Claimant. The Defendant admits that the Claimant mentioned his own welfare, his son's religious welfare, the child's wider family and the child's sense of identity but he did not mention these issues in relation to specific concerns about the child. It is denied that the Claimant expressed concerns about risks posed to his son by witnessed maternal child abusive behaviours. The Claimant made numerous allegations about the mother's mental health, but these did not include allegations of abuse. The Defendant was not at any time aware of any evidence of any significant harm caused to the child by his mother. The outcome of the Defendant's section 7 assessment on the welfare of the child, based upon evidence, was that it was in the best interests of the child for him to reside with his mother on the basis of the belief that the Claimant had hit the child. It is admitted that there were four earlier referrals about the child's mother's mental health.

16. As to Paragraph 18, it is denied that the Defendant almost completely omitted to communicate with the Claimant through the past seventeen months or so, however, communications subsequent to 13 June 2013 have been limited by the Defendant on the basis that they became repetitious and circuitous and the child was placed with his mother. The Defendant denies that it inflicted or attempted to inflict or decided to attempt to inflict 'paternal deprivation', 'fraternal deprivation' or 'avuncular deprivation' upon the Claimant's child and its siblings and nephews and nieces or

'filial deprivation' upon the Claimant. It is denied that the Defendant either operated or chose to operate in an "information partial vacuum" and it is denied that the Defendant almost never listened to anything the Claimant had to say.

17. As to Paragraph 19, it is admitted that the Defendant did not interview the Claimant's family but it is denied that this constitutes an 'omission' on the basis that this was not relevant to the Defendant's enquiries. The Defendant neither confirms nor denies the Claimant's assertions about the composition of his family. It is denied that the Defendant had come to any conclusions on the referral prior to the meeting on 23 May 2013 or prior to making any investigations. It is denied that this was the first and only meeting between the Claimant and the Defendant. There was at least one supervised contact session with the Claimant and the social worker, until the recommendation was to stop that contact. It is denied that any positions reached by the Defendant were not supported by evidence. The Claimant is required to explain what he means by the quotation "and no amount of evidence would be capable of changing" the Defendant's "mind", where this quotation is purported to derive from and the Claimant is put to proof in respect of such matters.

18. As to Paragraph 20, the Defendant cannot confirm or deny the hypothetical behaviour specified. However, in every case where a referral is made to the Defendant about a child protection matter, the wellbeing and safety of the child is the Defendant's paramount concern. The Defendant's approach is not dictated or determined by parental gender. It is denied that the Defendant sought to procure 'paternal deprivation' and that it did not hear from the Claimant. A meeting took place on 23 May 2013 between the Claimant and the Defendant.

19. As to Paragraph 21, the Defendant denies any gender disparity in its procedures and approach and the Claimant is put to

proof in respect of such matters. It is denied that the Defendant tends to refer to mothers as "primary" carers of children and that it regards fathers as "secondary" or "dispensable carers" when there is a quarrel between parents. The child's safety and needs are paramount, irrespective of the gender of the parents. The Defendant also denies any "gender asymmetry" and the Claimant is required to state how, when and where this is said to have taken place. The Defendant denies engaging in any Article 14 discrimination against male parents and, again, the Claimant is required to state how, when and where this discrimination is alleged to have taken place. It is further denied that the Defendant failed to adhere to its duty to have due regard to the need to achieve the aims set out in Section 149 of the Equality Act 2010 or that it breached its duty under that section. The Claimant is required to state how, why and when the Defendant is said to have breached its duty.

20. As to Paragraph 22, it is denied that the Defendant carried out any investigation into the Claimant's beliefs or acted unlawfully or made any such admission. The Claimant is required to state how, when and where the Defendant is said to have carried out such an investigation and is put to proof in respect of the alleged admission. It is denied that the Defendant's conduct has ever been incompatible with the Claimant's Convention rights, including the Claimant's Article 14, 8, 9 and 10 rights.

21. As to Paragraph 23, it is denied that the Defendant sought to procure lifelong paternal deprivation for the child or that the basis for the Defendant's section 47 assessment and section 7 report was the Claimant's beliefs. It is denied that the Defendant has treated the Claimant in any manner different to others because of his alleged beliefs. The Claimant is required to state how, when and in what way the Defendant is alleged to have treated him different because of his beliefs. The Defendant denies making any such admissions and the Claimant is put to proof in this respect.

22. As to Paragraph 24, it is denied that the Defendant based its conduct upon allegations made by the child's mother against the Claimant without further enquiry. The Defendant's section 47 assessment and section 7 reports represented the professional opinion of the Defendant after investigation. It is denied that the Defendant did not seek the Claimant's response to the allegations. The allegations were put to the Claimant during the meeting on 23 May 2013. It is denied that the Claimant either fostered or decided to foster bad relations between the parents or that the Defendant failed to adhere to its duty to have due regard to the need to achieve the aims set out in Section 149 of the Equality Act 2010 or that it breached its duty under that section. The Claimant is required to state how, why and when the Defendant is said to have breached its duty.

23. As to Paragraph 25, it is admitted that the child's mother alleged that the Claimant had subjected her to violence. The Defendant cannot confirm or deny whether these allegations were true or false. The Defendant did not investigate the allegations as they were not considered to be relevant to the welfare of the child at that time as the child lived with the mother only and not both parents. On that basis the child was considered to be protected. It is admitted that the Defendant referred the mother to a support group for victims of partner violence at the mother's request.

24. As to Paragraph 26, the Defendant cannot confirm or deny whether or not the Claimant disclosed on 23 May 2014 that the mother had inflicted intimate partner violence on him. In any event, the Defendant did not investigate such allegations as they were not relevant to the welfare of the child at that time as he lived with the mother only and not both parents. On that basis the child was considered to be protected. The Defendant denies that it treated the Claimant differently from the child's mother in identical circumstances. The Claimant is required to state how, when and in

what way the Defendant is alleged to have treated him different. It is denied that the circumstances were identical or that any different treatment or 'gender asymmetry' took place. It is denied that the Defendant interfered with the Claimant's Article 14 or Article 8 rights. It is admitted that the Defendant did not refer the Claimant to a support group.

25. As to Paragraph 27, it is denied that the Defendant exploited or worsened in any way the relationship between the Claimant and his son's mother and the Claimant is put to proof in this regard. It is denied that the Defendant failed to adhere to its duty to have due regard to the need to achieve the aims set out in Section 149 of the Equality Act 2010 or that it breached its duty under that section. The Claimant is required to state how, why and when the Defendant is said to have breached its duty.

26. As to Paragraph 28, it is denied that the Defendant exploited the 'DPA proceedings' and the Claimant is put to proof in respect of such matters.

27. As to Paragraph 29, it is admitted that the Claimant made various complaints about the Defendant's social work at various times between 2 April 2013 and 1 June 2013. It is admitted that the Defendant postponed its statutory complaints procedure in respect of such complaints on the basis that the contents of the complaints were before the Court for adjudication.

28. As to Paragraph 30, it is denied that the Defendant reviled the Claimant to the staff of Launceston Pre School Learning Association or otherwise. The Defendant admits that the Claimant had made an appointment to meet with his son's pre-school teachers to discuss his son's education and development. The Defendant cannot confirm or deny whether or not this appointment was made on 2 May 2014 and whether the appointment was made for 7 May 2014. It is denied that social worker Sally Burchell

notified the Claimant that she had instructed the Pre School to call the police if the Claimant attended the pre-school to keep a prior appointment. However, Ms Burchell did notify the Claimant that she had advised the pre-School to contact the police in the event that the Claimant caused any difficulties during any meeting or contact.

29. As to Paragraph 31, the Defendant cannot confirm or deny the Claimant's assertions about his application to a letting agency. It is denied that the Defendant carried out any intimidation of the landlord as alleged. The Claimant is required to state when, how and where such intimidation is said to have taken place.

30. As to Paragraph 32, the Defendant cannot confirm or deny whether the Claimant sued the landlord for disability discrimination. It is denied that the Claimant blocked the Claimant's tenancy of a better dwelling that his home at the time. The Claimant is required to state when, how and where such blocking is said to have taken place. It is denied that the Defendant interfered with the Claimant's Article 8 rights. It is denied that the Defendant influenced or directed the landlord to refuse to let its flat to the Claimant. The Defendant cannot confirm or deny the contents of the Defence referred to.

31. As to Paragraph 33, it is admitted that the Defendant stated in a letter to the Claimant dated 30 April 2014 that it had deviated from its usual procedure when responding to the Claimant's application for a place for his son at the primary school Windmill Hill Academy. The letter explained that, after receipt of evidence from the mother that she had paternal responsibility for the child and evidence that the child was in permanent residence with her, the application submitted by the child's mother had proceeded and the conflicting application made by the Claimant was treated as inactive. It is denied that the Defendant has ignored the Claimant's attempt to appeal against the allocation of place a St Stephen's Academy and his request that his son should be placed upon the

waiting list for a place at St Catherine's C of E School. The Claimant did express a wish to appeal against the allocation of a place to his son at St Stephen's Academy and he was advised verbally by the Defendant that this was not possible on the basis that parents can only make an appeal for places at schools they have been refused and cannot appeal against a school that they have been allocated. There was therefore no attempt on the part of the Claimant to make an appeal. The Claimant has made no request for his son to be placed on the waiting list for a place at St Catherine's C of E school but he did express his desire for his son to attend the school.

32. As to Paragraph 34, it is denied that clandestine communications occurred between the Defendant and the police in which the Defendant reviled the Claimant or otherwise. The Defendant openly discussed the situation regarding the Claimant's referral with the police at the multi-agency meeting on 17 April 2013, as required under the statutory guidance "Working Together 2013" to safeguard children. The Defendant cannot confirm or deny whether or not the police published a secret "to whom it may concern letter". The Defendant also cannot confirm or deny whether or not such a letter found its way onto the Claimant's son's school file as St Catherine's C of E School no longer have a copy of the Claimant's son's file.

33. As to Paragraph 35, it is denied again that the Defendant took part in any 'clandestine communications' or that the Defendant caused the publishing of any 'reviling letter' from the police. It is further denied that the Claimant's son's pre-school teacher mistakenly believed that she was not permitted, by law, to pass to the Claimant's son two age-appropriate books containing bible stories for children. The Defendant admits that the Claimant visited St Catherine's C of E School on two occasions at the end of the summer term 2014. The Defendant cannot confirm or deny the exact date of the visits. On the first occasion the Claimant brought

with him two books of biblical stories which he requested that the School pass on to his son. The Defendant cannot confirm or deny the precise subject matter of the books in question. The Claimant left these books with the School whilst the School made enquiries as to whether or not it was permitted pass them to the child. The School then made enquiries of the child's mother and the Defendant and were informed by both parties that they should not receive or pass gifts on to the Claimant's son. On the Claimant's second visit to the School several days later, the Claimant was informed that the School could not pass on the gifts which were duly returned to the Claimant. It is denied that the decision not to pass on the gifts was in any way related to or influenced by any letter relating to the Claimant and/or his son. It is admitted that this was the only occasion on which the Claimant had ever attempted to get such a gift to his son via the School.

34. As to Paragraph 36, it is denied that the Defendant has made any efforts to erase the Claimant and his son from each others' lives. It is also denied that the Defendant has failed to comply with its duty to safeguard the child and its duties to prepare welfare reports when required by the Court. At all times, the Defendant has acted in accordance with its duties, including its duties to safeguard the Claimant's son and to the Court.

35. As to Paragraph 37, it is denied that the Defendant made efforts to worsen the relations between the man and the woman who are the father and mother of the Claimant's son. It is denied that the Defendant failed to adhere to its duty to have due regard to the need to achieve the aims set out in Section 149 of the Equality Act 2010 or that it breached its duty under that section. The Claimant is required to state how, why and when the Defendant is said to have breached its duty.

36. As to Paragraph 38, it is denied that the social worker Sally Burchell identified herself to the Claimant's mother as the refugee

from a former abusive intimate partner relationship. Ms Burchell did state that she had previously been in a controlling relationship. It is denied that Ms Burchell took part in any "vicious girl chat" or "hate speech" and the Claimant is put to proof in respect of the same. It is denied that Ms Burchell's actions were 'contaminated' or affected by any personal matters within her own experience or that the social work in respect of the Claimant's child was in any way contaminated. The Claimant is required to state how, when and in what ways the social work in respect of the Claimant's child is contaminated and how, when and in what ways he asserts that Ms Burchell's actions have lead to this. It is denied that the Defendant failed to adhere to its duty to have due regard to the need to achieve the aims set out in Section 149 of the Equality Act 2010 or that it breached its duty under that section. The Claimant is required to state how, why and when the Defendant is said to have breached its duty.

37. It is denied that all or any of the matters stated in the Amended Particulars of Claim give rise to any legal cause of action against the Defendant in this Court. The Claim is denied in its entirety.

38. The Amended Particulars of Claim fail to state any proper particulars in accordance with Part 16 of the Civil Procedure Rules (16.4) or the Practice direction thereto.

39. To the extent that the Amended Particulars of Claim disclose any public law challenge against the Council, the Claimant has issued the claim in the wrong court and is in any event out of time.

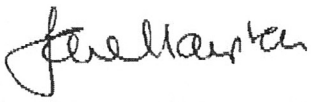
40. In all the circumstances, the claim amounts to an abuse of process and should be struck out or alternatively Summary

Judgment entered in favour of the Defendant.

41. The lack of a coherent or properly particularised claim makes it difficult for the Defendant to set out its Defence in accordance with Part 16.5 of the Civil Procedure Rules. The Defendant reserves the right to re-state its Defence upon the Claimant providing proper particulars of claim.

Statement of Truth

The Defendant believes that the facts stated in this Amended Defence are true. I am duly authorised by the Defendant to sign this statement.

Signed 

Jane Hampton
Senior Manager, Education, Health & Social Care, Cornwall Council

Dated 6.10.2014.

IN THE BODMIN COUNTY COURT Claim Number: A88YJ875

Between

Mr John William Allman

Claimant

and

The Cornwall Council

Defendant

Amended Reply To Defence

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1. This Amended Reply To Defence is filed and served as the *second* reply to defence of the Claimant. Deputy District Judge Walker's order of 13th August 2014, directed the Claimant to file and to serve Amended Particulars of Claim, and for the Defendant's solicitor, if so instructed, to file an Amended Defence. This Amended Reply To Defence is a reply to the Defendant's consequent Amended Defence.

2. The Amended Defence is very similar to the original Defence. However, the Defendant did not use a different coloured ink to distinguish amendments in its Amended Defence. For this reason, under some considerable pressure of other work, the Claimant says that insofar as the Claimant's original Reply To Defence is a reply to any part of the Amended Defence that corresponds to a similar or identical part of the original Defence, the Claimant repeats his original Reply to Defence, which is exhibited hereto. Paragraph numbers in the original Reply To Defence exhibited, of course, refer to paragraphs of the original Defence. Save for the word "amended" in the title (above) of this Amended Reply to Defence, the Claimant has likewise refrained from using red ink here, because of this approach that he has used to drafting this Amended Reply To Defence.

3. The Claimant denies, or does not admit, each and every assertion of fact in the Amended Defence, save any assertion of fact also made in his Amended Particulars of Claim.

4. **The Claimant relies upon the provision of Rule 16.7 whereby "A claimant – who fails to deal with a matter raised in the defence, shall be taken to require that matter to be proved."**

5. The way in which the Claimant would like the court to progress this claim, is by making the "early directions" pleaded for in section B, comprising paragraphs 11 and 12, of the Amended Particulars of Claim. Briefly, the "early directions" sought, are directions that the Defendant should at last engage the Defendant's advertised complaints procedure, which the Claimant had found it impossible hitherto to access in practice by making complaints, leading him reluctantly to issue this claim. Whilst the complaints procedure is operating, the present claim should be stayed. If (as is to be hoped) the complaints procedure (which can take over a year) yields a satisfactory outcome, this claim will be able to be disposed of with a consent order. Otherwise, the Claimant will eventually ask for this timely HRA s7(1)(a) claim to be "unstayed" (restored?).

6. The Defendant's position seems to be (a) that it was under no duty to investigate the Claimant's complaints before he started legal action action (despite advertising in a printed leaflet, a copy of which was sent to the Claimant immediately after he had complained, that it had a workmanlike complaints procedure, which one could access simply by making a complaint), and (b) that the commencement of action (in some unspecified manner) now alas *prevented* the Defendant from investigating the complaints even at this eleventh hour, even if the claim were to be stayed whilst they did all the necessary investigation. It is this refusal to investigate complaints, before drafting pleadings that insist, without more, that, whatever a complainant-turned-claimant says, it isn't so, that accounts for the sheer tiresomeness of the Defendant's *factually inaccurate* Amended Defence.

7. The original Defence seemed (all eggs in one basket) to attempt nothing more than to set the scene for the Defendant's unsuccessful strike-out/summary judgment application that was heard on 13th August 2014, a tactic of the Defendant's that also failed in the 2012 Data Protection Act subject access cause of action between the same parties proceedings referred to in the pleadings, in which the Claimant eventually obtained judgment, on entirely different facts, for an entirely different remedy than is sought in the present claim. The Amended Defence likewise appears to do nothing more than to set the scene for the Defendant's *second* strike-out/summary judgment application that is listed to be heard on 15th December 2014. In the circumstances, the Claimant is disadvantaged, in not knowing what the Defendant's real defence will be at trial. The Defendant is relying solely upon criticism of the Claimant's pleadings that does not rest upon on any true facts asserted in either the original Defence or the Amended Defence. The Defendant appears to intend to fuel successive strike-out/summary judgment applications one after another, each brought when the previous near-identical such application had been defeated.

I believe that the facts stated in this Amended Reply to Defence are true.

Signed:

Date: 16th November 2014

John William Allman

IN THE NORTHAMPTON (C M C C) COUNTY COURT Claim Number: A88YJ875

Between

Mr John William Allman

Claimant

and

The Cornwall Council

Defendant

Reply To Defence

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1. References in this Reply To Defence to paragraphs by number, unless otherwise stated, are references to paragraphs as numbered in the Defence.

2. The Claimant relies upon the provision of Rule 16.7 whereby "A claimant – who fails to deal with a matter raised in the defence, shall be taken to require that matter to be proved." (There happen to be several references back to this paragraph 2 of the Reply To Defence later in this Reply To Defence.)

3. In reply to paragraph 1,

   Of: "It is denied that the Claimant expressed concerns about his son's welfare and safety",

   the documentary evidence will soundly refute this denial at trail. A copy of the said referral forms part of the body of available evidence. It is simply unmistakeable that the Claimant expressed the gravest concerns about his son's welfare and safety in the text of that referral.

4. In further reply to paragraph 1, the proceedings pursuant to The Children Act s8 in Plymouth County Court most certainly did not "address" the specific HRA s7(1)(a) issues that give rise to *this* claim, which the present court has sensibly become minded to manage as a civil money claim suitable for the Small Claims Track, for the time being.

5. None of the conduct of the Defendant in relation to those other, private family law proceedings is conduct of which the Claimant complains in the present claim. The Claimant complains, in this claim, only about conduct of the Defendant before, after, or more-or-less entirely unconnected with any role the Defendant might have played in the largely irrelevant Children Act proceedings which the Defendant has mischievously chosen to mention in its Defence.

6. For example, in paragraph 7 of his Particulars of Claim, the Claimant has expressly excluded (*inter alia*) from the present court's consideration any "privileged" publications of the Defendant, such as its court-ordered "welfare" or "section 7" report to the court in the said private family proceedings. He intendedly excluded such considerations from the scope of the present claim by his words in the final sentence of that paragraph 7 of his Particulars

of Claims, there saying, “I am not referring in this paragraph to any publications that were privileged.”

7. The Plymouth County Court had no jurisdiction within the said Children Act proceedings to order the remedies sought in this civil money claim. Nor had that Plymouth court the necessary jurisdiction, in *that* context, to make findings concerning the Defendant's conduct complained of in *this* claim, which conduct was not even addressed in those other proceedings, because the Claimant considered it (he thinks wisely) to potentially have been impolitic for him to have invite that court to consider, when hearing a private family law application, this own Convention rights.

8. This civil money claim is therefore entirely independent of and separate from those said Children Act proceedings, contrary to the Defendant's efforts to “muddy the waters” so-to-speak, by even mentioning the family proceedings in the Defendant's Defence to this civil claim.

9. This civil money claim began to accrue *before* those other proceedings began. As new facts – i.e. new Convention right infringements - have come to pass, this civil money claim has *continued* to accrue even *after* the conclusion of those private family proceedings. The Claimant is most certainly not trying to “abuse process” in order to have a second “bite” at a single “cherry” from which he failed to bite first time around (so-to-speak), which appears to be the Defendant's intended insinuation here.

10. It may be just-about tolerable, given the workload of courts nowadays that is so heavy that many a junior judge (who knows?) could easily have been tempted simply to “rubber stamp” judicially the merely administrative decisions of social workers like the particular social worker to whose professional work the Claimant fell victim, without adequate scrutiny … It may be *just-about tolerable* that, notwithstanding HRA s7(1)(b), which has since the year 2000 ostensibly permitted any party in more-or-less *any* sort of court case (albeit at his peril, in private family law proceedings) to seek to “rely” upon his *own* human rights, it apparently still isn't politic in 2014 to exercise one's HRA s7(1)(b) right to raise one's own Convention rights, in proceedings governed by the Children Act 1989 s8. But not at the expense of being unable, separately, to bring an HRA s7(1)(a) such as this.

11. The use of the word “paramount” (twice) when referring to the “welfare” of children, in the earlier, pre-HRA Children Act 1989, has (shall we say?) tended to *discourage*, and to persuade some judges even to *forbid*, parental litigants (in my experience, usually *fathers* who complain that social services are colluding in a fiction-fuelled *maternal* agenda to alienate their children from those fathers) from raising their *own* human rights in any private family law proceedings context. But that discouragement of fathers - discouragement from saying even a single word about their *own* rights, which the Claimant regards as a mere social convention that has invaded British due process, rather than sound law, most certainly does not oust the jurisdiction of the CMCC *subsequently* to hear a civil money claim brought under HRA s7(1)(a), about alleged Convention rights infringements allegedly perpetrated by a defendant public authority, as the Defendant implicitly contends.

12. Despite what the Defendant says in its paragraph 1, no other court has ever been given the opportunity to consider the issues raised in the Claimant's pleadings, because the Claimant (advisedly) considered it sheer folly for him to risk attempting to “rely” upon his *own* Convention rights in private family law proceedings brought under the Children Act s8, in

proceedings that in any case could not possibly have awarded him the remedies he seeks today, in this civil money claim.

13. In further reply to paragraph 1,

    Of: "The Claimant is required to explain what is meant by the phrase '… and has engaged in other conduct"',

    the Claimant says that the term "conduct" refers both to acts and omissions, and undertakes to "explain" his claim, to the utter satisfaction of the court, in evidence and argument, in the event that the Defendant eschews the Alternative Dispute Resolution that is expressly requested in the Particulars of Claim at paragraphs 11 and 12 thereof, thereby making a full trial of this claim regrettably necessary.

14. An example of such ongoing "other conduct" that is actually more recent even than the issue of this claim, is the admittedly *exceptional* or *non-standard* manner in which the council has admitted (in writing) having dealt with the claimant's application for a place at school for his son, starting in September 2014, and the Defendant's apparently continuing omission to revert to following (at the Claimant's express request) its "usual" (and fair) practice. (Upon reading this paragraph of the Reply To Defence, the Defendant might be wise to remind itself of the relevant exchange of correspondence on 30th April 2014 between its employee Ms Rebecca Barrett and the Claimant, part of the body of evidence in this claim.)

15. Another example of the said "other conduct" is the telephone conversation that social worker Sally Burchell admitted on 3rd May 2013 (whilst on the phone to the Claimant) having had with Launceston Pre School Learning Alliance staff that day or the previous day, in which (she warned the Claimant) she had instructed the pre school staff *to call the police* if the Claimant kept his prior appointment to attend the pre school that the Claimant had made on 2nd May 2013. That had been an appointment for 7th May 2013, a date for that meeting suggested by the pre school staff member with whom that appointment had been made. (The Claimant was reassured to learn, during a meeting he had with the police on 7th May 2013, that the *police's* position was that they could see no reason at all for them to attend the pre school, if called, if the Claimant merely kept his prior appointment; albeit the Claimant did not keep the said appointment, lest he might thereby be further "painted black", so-to-speak.)

16. The above examples of "other conduct" that the Claimant cites in this Reply To Defence are not intended to be an exhaustive list of every single act and omission complained of, that fall within the scope of the Defendant alleged "other conduct".

17. In reply to paragraph 2, the Claimant holds the Defendant to proof of this Defence.

18. In reply to paragraph 3, the Claimant says that the documentary evidence in his possession will prove at trial (if trial becomes necessary) that carrying out an investigation into the Claimant's thoughts, conscience, religion and beliefs is *exactly* what the Defendant did.

19. In reply to paragraph 4, the Claimant says that he has in his possession no fewer than 1,296 pages of social work records disclosed to him by the Defendant. Not *one single page* of these 1,296 pages of documentary evidence, would go to evidence that the Defendant had *ever* had even the *slightest* regard, on *any* occasion, duly or *at all*, to the need to foster good

relations between persons with the Claimant's particular protected characteristics, and others who did not possess those protected characteristics. Rather, the Defendant seems to have gone out of its way to foster *bad* relations.

20. The Defendant's omission, in one of its "functions" (Equality Act 2010 s149) to have *any* "regard" (let alone "due" regard) to the need to foster good relations between the *male* Claimant and the *female* mother of his son, or between the *old* Claimant and his *young* son, was a flagrant breach of the Defendant's public sector equality duty to have "due" regard to the need for the Defendant to foster good relations between persons (in this case, members of the same family!) with, and without, the said Equality Act "protected characteristics", age and gender.

21. Yet, amongst all the diverse functions of public authorities, it is hard to imagine a public authority "function" in which it could be as needful to "foster such good relations", as it is when undertaking child safeguarding social work that *always*, and *inevitably*, engages the Convention rights of children, and of natural parents who are (I dare say) more often than not (at least by the time they come onto social services' "radar") failing to work together effectively as a team.

22. The two parents of any child whose circumstances social workers look into in order to discharge Children Act duties will *always* and *inevitably* each have at least *one* protected characteristic not shared by the other parent, to wit each of them being either male or female, with only *one* of any child's *two* natural parents being of each of the two "protected" genders, this being an indisputable fact of mammalian biology. That brings the pair of individuals within the sights of the public sector equality duty, a pair of individuals between whom there is a need for good relations (and an especially pressing need at that, because the relations, good or not-so-good between a child's parents impacts upon the child himself).

23. Moreover, parents and their children, will inevitably be of different ages. It follows that having due regard to the need to foster good relations between parents and their children is integral to any rational, robust construction of the Equality Act 2010 s149(1)(c) aspect of the public sector equality duty relating to the protected characteristic of age.

24. The Defendant's admittedly statutorily mandatory interference with the Claimant's Convention rights (which the Claimant himself had actively solicited) was <u>not</u> conducted "in accordance with law" (Article 8.2), if this is what the Defendant contends, because (*inter alia*), although the Defendant was obliged to interfere *somehow*, the *manner* of its interference breached its public sector equality duty. The interference also manifested other defects that made that interference unlawful.

25. In reply to paragraph 5, "the Claimant is required to state how, why, when and in what way the Defendant is alleged to have treated him different [sic] because of his beliefs", the Claimant says that "how … when and in what way" this happened, is that it happened by the Defendant's own acts and omissions before, during and after the meeting of 23rd May 2013 that is documented by the Defendant itself in its section 47 report.

26. The Claimant declines to speculate in mere pleadings as to "why" the Defendant chose so to conduct itself. But the Claimant will draw the court's attention at trial, if ADS fails, to, *inter alia*, the frank admissions in the Children Act Section 47 report available in evidence (whose publication preceded in time any subsequent court-ordered expert role of the

Defendant in the aforementioned Children Act section 8 private family law proceedings). These admissions document thoroughly the alleged enquiry into the Claimant's beliefs etc, an enquiry that the Defendant surprisingly now seeks – quite preposterously - to deny ever having conducted! At trial, the Claimant will gladly cross-examine (if the court so requires) Defence witnesses, on their *motivations* (the speculative "why" part of the Defendant's enquiry in paragraph 5 of the Defence).

27. This said, Sally Burchell did give a strong hint as to her motivations in one conversation she had with the Claimant shortly after 23rd May 2013, revealing that she had concerns that the father (a Christian) appeared to be homophobic, and that his then three year-old son might "be" homosexually "oriented", making it her duty to strive to break the relationship between father and son, lest there be trouble further down the line. Sally Burchell was breaking new ground. Caselaw establishes that public authorities are alas permitted to witch-hunt for homophobes amongst those offering their services as foster carers. The Claimant says that extending that witch-hunting practice, lawful when considering applications to foster children, into social work between natural parents and their own children, goes far beyond the lawful witch-hunting that the present law permits.

28. In reply to paragraph 6, the Claimant has learnt that many public authorities have been all-too-willing to collude, throughout the past forty years at least, with certain misguided mothers' efforts to alienate their sons and daughters from their natural fathers. Gender bias is rife that panders to mothers and routinely marginalises or which seeks the draconian exclusion of fathers from their children's upbringing. This, the Claimant says, to the point of such gender bias having become institutional, within the child safeguarding social work undertaken by public authorities such as the the Defendant.

29. The Claimant has been disappointed to discover the full extent to which even well-qualified social workers such as Sally Burchell often collude with such alienation. The Claimant's membership of and role with the forty year-old charity Families Needs Fathers will enable him to muster witnesses a-plenty who will testify that those witnesses and their children have *also* been subjected to similar conduct that is incompatible with *their* Convention rights, as a result of the Defendant's alleged institutional gender bias. That is, if the Defendant insists that this claim goes to trial, by eschewing the Alternative Dispute Resolution in which the Claimant has generously offered to engage.

30. In reply to paragraph 7, the oral publication that Sally Burchell has already admitted, which she made on 3rd May 2013 in a telephone call to Launceston Pre School, is one specimen count of a publication that the Claimant says was unlawful.

31. In reply to paragraph 8, between 30th May 2012 (when the other claim was issued) and 21st May 2014 (when judgment and costs were awarded to the Claimant), the Defendant was the defendant of a separate claim which the Claimant had brought against the Defendant under the Data Protection Act (DPA), a claim which was concerned solely with the Claimant's *subject access rights* under section 7 of that Act. The present claim is in no sense an attempt to "re-determine" issues in that *successful* former claim of the same Claimant against the same Defendant.

32. The documentary evidence for *this* claim is conclusive that the Defendant's role as a data controller who was resisting a 2010 subject access request on the part of a data subject and therefore defending that other claim brought in 2012 under the DPA about subject access,

and its *simultaneous* role as a local authority making a Children Act section 47 investigation in response to a concerned father's referral of his own son (etc), were *not kept separate* as they should have been. The Defendant has at all relevant times failed conspicuously to manage that *prima facie* conflict of interests lawfully.

33. In reply to paragraph 9, the Claimant repeats paragraphs 11 and 12 of his Particulars of Claim.

34. In response (but not in reply) to paragraphs 10 thru 12, the Claimant repeats paragraph 2 above of this Reply to Defence.

35. Of: "the interference was in accordance with law" (etc) at paragraph 10(e)(i), the Claimant admits that his making a referral of his son to the Defendant through the Multi-Agency Referral Unit (MARU), expressing his grave child safeguarding concerns about his own son, amounted to nothing less than an *invitation* for the Defendant to interfere in his Article 8 right to respect for his private and family life (etc).

36. The Claimant does not deny that his referral activated a statutory duty to interfere, and left the Defendant no choice *but* to interfere, *in one way or another.* He therefore has no quarrel with the mere fact that there was *some* interference. He positively *wanted* interference, wrongly supposing that this would be *helpful* interference, interference calculated to "foster good relations" between family members with protected characteristics, and those without those protected characteristics. However, he would strongly dispute any contention of the Defendant that the *actual* interference wrought was "in accordance with law". That is the nub of the matter.

37. Elaborating: Before making his referral, the Claimant was aware of the Equality Act s149(1)(c) public sector equality duty to "have due regard to the need to foster good relations", and fearful that a recent and abrupt deterioration in hitherto good relations between his son's male parent and his son's other parent, who did not share the Claimant's protected characteristic of maleness, was placing his son at risk of significant harm. He asked the Defendant, in effect, to foster better relations amongst the family members. They did the very opposite!

38. It may clearly be seen from the wording of the referral, that the last thing the Claimant wanted or expected, was that the Defendant would interfere – having thus been invited to interfere - not with the "due regard" to the need to foster good relations upon which he relied (and therefore setting about fostering good relations between the two parents, as the Claimant had hoped), but without *any regard whatsoever* to that need to foster good relations.

39. Still addressing paragraph 10(e)(i), the Claimant says that the *manner* of the interference was unlawful, because it breached the public sector equality duty, and also because it discriminated against him, as male person, as a disabled person, and as a person with particular beliefs, a person of a particular age, and also because that interference included the unlawful enquiry it did include, into the Claimant's beliefs (etc), and also for the other reasons identified in the the Claimant's pleadings for the *actual* interference having been unlawful.

40. Defects in the *manner* of the invited interference in the Article 8 right of the Claimant

rendered the *particular* interference wrought *unlawful*, even though the Claimant does not deny that *some* interference was necessary and would have been lawful.

41. Of: "the interference was necessary" at paragraph 10(e)(ii), and (more-or-less synonymously), "the interference was proportionate" at paragraph 10(e)(iii), the Claimant says that he has no quarrel at all with the general notion that child safeguarding the social work for which the Claimant himself had applied, when making his referral via MARU, is a necessary evil in modern liberal democracies. Rather, his *fact-sensitive* quarrel is with the *details* of the *particular* social work undertaken with his own family.

42. The Claimant puts the Defendant to proof of the contention that the particular interference wrought was "proportionate", in the established sense that no alternative course of action less detrimental to the Claimant than what was actually done would have sufficed, in order to accomplish whatever legitimate aims the Defendant purports to have sought to accomplish.

43. In reply to paragraph 13, the Claimant says that he has complied with the requirement of CPR 16.4(1)(a) to provide a statement of the facts on which he relies that is a "concise" statement of those facts.

44. The 1,296 plus pages of documentary evidence in the Claimant's possession, as to what the Defendant's conduct was, is also in the Defendant's possession. If, with this claim stayed, the Defendant engages its own complaints procedure as a method of Alternative Dispute Resolution, as applied for in paragraphs 11 and 12 of the Particulars of Claim, the Defendant will be also become able to reach quickly the same conclusion as the Claimant reached, that the *concise* statement of the facts contained in the Particulars of Claim is undoubtedly true, and a sound foundation for this money claim.

45. In reply to paragraph 14, the Claimant says that he is perfectly properly bringing a money claim suitable for the Small Claims Track in the county court under section 7(1)(a) of the Human Rights Act 1998. The facts on which he relies are the Defendant's actual conduct (acts *and* omissions – and *especially* omissions) that was incompatible with his Convention rights. He is most definitely <u>not</u> making an application for permission to apply for judicial review of any particular *decisions* of the Defendant's to engage in any of its conduct, which application would indeed have lain within the jurisdiction of the Administrative Court, if made sufficiently promptly.

46. No such decisions have ever been communicated to the Claimant, despite the Claimant having requested that any potentially judicially reviewable decisions should be communicated to him (with reasons) as and when those decisions were taken, or communicated immediately in the case of decisions already taken by the date of this request.

47. This request was made orally to Sally Burchell's manager Anita by telephone long before the first directions appointment in the family proceedings, the earliest point in time at which the Defendant can be said to have became involved in those private family proceedings. The request was subsequently repeated in writing in an email of the Claimant's to the Defendant's employee Sally Burchell dated 13th May 2013. That email mentioned the *possibility* that the Claimant *might* seek judicial review of any decisions communicated to him. It was therefore marked "without prejudice", but the Claimant clarified in the text of that email that the phrase "without prejudice", in the context, meant only without prejudice

to any application for judicial review that the Claimant *might* have been minded to make back in 2013, *provided* any relevant decisions were communicated to him, *which they weren't*.

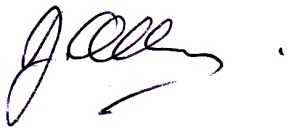
48. The Defendant finally made a disclosure of the majority of the body of written evidence supporting this claim on 20th February 2014, which is less than three months before the issue of this claim. If that body of evidence happens to contain the first communication to the Claimant of any identifiable and relevant decisions that touch upon his Convention rights, it is not necessarily too late for a court to review judicially how those decisions were taken *incidentally to this small money claim*, but the Claimant says that it is probably *unnecessary* for the court to do this, and he is certainly not asking the court to do anything of the kind, unless the court considers that it must in order to reach findings on which this claim would turn.

49. To whatever extent that the Defendant's paragraph 14 is intended to allege that the Claimant should have made, within three months of decisions that have still not been properly communicated to him, a narrow application or applications for judicial review permission in the Administrative Court impugning one or more of the Defendant's *decisions*, rather than bringing a broadly-based money claim in the county court under HRA s7(1)(a) about the Defendant's entire *conduct* during the twelve months preceding his filing of this claim, then the Claimant at least requires the Defendant to state *what* decisions of the Defendant's the Defendant alleges that the Claimant is wrongly seeking to have reviewed judicially by the back door (so-to-speak), out of time, in the wrong court, and using the wrong procedure (i.e. a Part 7 money claim under HRA s7(1)(a), rather than an application or applications for permission to apply for judicial review of a specific decision or decisions).

50. In response (but not in reply) to paragraphs 15 and 16, the Claimant repeats the above paragraph 2 of this Reply to Defence.

I believe that the facts stated in this Reply to Defence are true.

Signed:



Date: 27th May 2014

John William Allman

IN THE PLYMOUTH COUNTY COURT **Claim Number: A88YJ875**

BETWEEN:

MR JOHN WILLIAM ALLMAN

Claimant

and

THE CORNWALL COUNCIL

Defendant

DEFENCE

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1. Paragraph 1 of the Particulars of Claim is admitted to the extent that the Claimant made a referral to the Defendant via the Multi-Agency Referral Unit on around 05 March 2013. It is denied that the Claimant expressed concerns about his son's welfare and safety. The referral related to the Claimant's concerns about an allegation made against him. It is admitted that the Council undertook enquiries pursuant to Section 47 of the Children Act 1989. The subject of those enquiries and the said referral were addressed in proceedings pursuant to Section 8 of the Children Act 1989 in the Plymouth County Court under Claim number PL13P00630 to which the Claimant was a party. Those proceedings were determined by an Order dated 27 February 2014. The Claimant is required to explain what is meant by the phrase '*... and has engaged in other conduct*' and is put to proof in respect of such matters.

2. As to Paragraph 2, it is denied that the Defendant's conduct has ever been incompatible with the Claimant's convention rights and/or contrary to the Human Rights Act 1998 for the period alleged or at all.

3. As to Paragraph 3, it is denied that the Defendant carried out any investigation into the Claimant's thoughts, conscience, religion or beliefs. The Claimant is required to state, how and when the Defendant is said to have carried out such an investigation. The Defendant neither confirms nor denies the Claimant's assertions about his beliefs.

4. As to Paragraph 4, it is denied that the Council failed to have regard to its duty to have due regard to the need to achieve the aims set out in Section 149 of the Equality Act 2010 or that it breached its duty under that section. The Claimant is required to state how, why and when the Defendant is said to have breached its duty.

5. As to Paragraph 5, it is denied that the Defendant has treated the Claimant in any manner different to that of others because of his alleged beliefs. The Claimant is required to state how, why, when and in what way the Defendant is alleged to have treated him different because of his beliefs.

6. As to Paragraph 6, it is denied that the Defendant has treated the Claimant differently because of his sex or that such conduct was not justified in law. The Claimant is required to state how, why, when and in what way the Defendant is alleged to have treated him different because of his beliefs.

7. As to Paragraphs 7 and 8, it is denied that the Defendant made any written publications about the Claimant that were (or otherwise acted in a manner that was) incompatible with his convention rights or that the Defendant breached the Data Protection Act 1998 as alleged. The Claimant is required to state how, why, when and in what way the Defendant is alleged to have acted unlawfully.

8. As to Paragraph 9, it is denied that the Claimant '*exhibited procedural impropriety*' or that principles of natural justice were violated. The Claimant has already issued separate proceedings in the County Court sitting at Bodmin under Claim Number 2BJ00173. Those proceedings are based on the same subject matter as this seeking a remedy based on the content of paragraphs 7, 8 and 9 in the Particulars of Claim in this action. Any attempt by the Claimant to refer to and/or re-determine issues in other proceedings amounts to an abuse of process.

9. As to Paragraphs 11 and 12, the ability for the Claimant to raise his complaint within the Defendant's internal complaints process and the failure to follow any pre-action conduct further demonstrates the extent to which the claim amounts to an abuse of process. It is denied that the Claimant is within time or indeed entitled to claim in law.

10. To the extent that any of the Particulars of Claim allege a claim under the Human Rights Act 1998 ('the Act');

    (a) It is admitted that the Defendant is a public authority within the meaning of Section 6 of the Human Rights Act 1998 ('the Act').

(b) It is denied that the Claimant is a victim within the meaning of section 7 of the Act.

(c) It is denied that the Defendant has interfered with the Claimant's rights as alleged or at all.

(d) It is denied that the Defendant is in breach of statutory duty pursuant to Section 6 of the Act in that the Defendant has acted in a way which is incompatible with a Convention right.

(e) To the extent that there was any interference with the Claimant's Convention Rights;

(i) the interference was in accordance with law in that it was permitted by, or was to give effect to or enforce, under the provision of primary legislation and the Defendant could not have reasonably acted differently,

(ii) the interference was necessary in a democratic society for the protection of the rights and freedoms of others in that there is a pressing social need for such interference, and/or

(iii) the interference was proportionate.

11. As to Paragraphs 13 and 14, it is denied that the Claimant is entitled to the amount claimed or indeed any declarations or relief. It is denied that an award of damages is necessary to afford just satisfaction for the alleged interference with the Claimant's Convention rights. It is denied that the Claimant has suffered a financial detriment as a result of the actions or omission of the Defendant. It is denied that the Claimant is entitled to any declaration of incompatibility.

12. It is denied that all or any of the matters stated in Particulars of Claim give rise to any legal cause of action against the Defendant in this Court. The Claim is denied in its entirety.

13. The Particulars of Claim fail to state any proper particulars in accordance with Part 16 of the Civil Procedure Rules (16.4) or the Practice direction thereto.

14. To the extent that the Particulars of Claim disclose any public law challenge against the Council, the Claimant has issued the claim in the wrong court and is in any event out of time.

15. In all the circumstances, the claim amounts to an abuse of process and should be struck out or alternatively Summary Judgment entered in favour of the Defendant.

16. The lack of a coherent or properly particularised claim makes it difficult for the Defendant to set out its Defence in accordance with Part 16.5 of the Civil Procedure Rules. The Defendant reserves the right to re-state its Defence upon the Claimant providing proper particulars of claim.

Statement of Truth

The Defendant believes that the facts stated in this Defence are true.

I am duly authorised to sign this statement.

Signed E. Gill

Cornwall Council Legal Services

Dated 06/05/14

IHSP

Main
Ancient
Medieval
Modern

Subsidiary Sourcebooks
African
Eastern Asian
Global
Indian
Jewish
Islamic
Lesbian/Gay
Science
Women

Special Resources
Byzantium
Medieval Web
Medieval NYC
Medieval Music
Saints' Lives

Ancient Law
Medieval Law

Michael Swift: "Gay Revolutionary"

From Gay Community News, Feb. 15-21, 1987
(reprinted from The Congressional Record, with preface restored)

In 1987, Michael Swift was asked to contribute an editorial piece to **GCN**, an important gay community magazine, although well to the left of most American gay and lesbian opinion. A decade later this text, printed in the Congressional Record is repeatedly cited, apparently verbatim, by the religious right as evidence of the "Gay Agenda". The video Gay Rights, Special Rights, put out by Lou Sheldon's Traditional Values Coalition cites it with ominous music and picture of children. But when the religious rights cites this text, they always omit, as does the Congressional record, the vital first line, which sets the context for the piece. In other words, every other version of this found on the net is part of the radical right's great lie about gay people. For a discussion of the whole "Gay vs. Religious Right" phenomenon see Chris Bull and John Gallagher: Perfect Enemies: The Religious Right, the Gay Movement, and the Politics of the 1990s, (New York: Crown, 1996)

This essay is an outré, madness, a tragic, cruel fantasy, an eruption of inner rage, on how the oppressed desperately dream of being the oppressor.

We shall sodomize your sons, emblems of your feeble masculinity, of your shallow dreams and vulgar lies. We shall seduce them in your schools, in your dormitories, in your gymnasiums, in your locker rooms, in your sports arenas, in your seminaries, in your youth groups, in your movie theater bathrooms, in your army bunkhouses, in your truck stops, in your all male clubs, in your houses of Congress, wherever men are with men together. Your sons shall become our minions and do our bidding. They will be recast in our image. They will come to crave and adore us.

Women, you cry for freedom. You say you are no longer satisfied with men; they make you unhappy. We, connoisseurs of the masculine face, the masculine physique, shall take your men from you then. We will amuse them; we will instruct them; we will embrace them when they weep. Women, you say you wish to live with each other instead of with men. Then go and be with each other. We shall give your men pleasures they have never known because we are foremost men too, and only one man knows how to truly please another man; only one man can understand the depth and feeling, the mind and body of another man.

All laws banning homosexual activity will be revoked. Instead, legislation shall be passed which engenders love between men.

All homosexuals must stand together as brothers; we must be united artistically, philosophically, socially, politically and financially. We will triumph only when we present a common face to the vicious heterosexual enemy.

If you dare to cry faggot, fairy, queer, at us, we will stab you in your cowardly hearts and defile your dead, puny bodies.

Film: Ancient
Film: Medieval
Film: Modern
Film: Saints

About IHSP
IJSP Credits

We shall write poems of the love between men; we shall stage plays in which man openly caresses man; we shall make films about the love between heroic men which will replace the cheap, superficial, sentimental, insipid, juvenile, heterosexual infatuations presently dominating your cinema screens. We shall sculpt statues of beautiful young men, of bold athletes which will be placed in your parks, your squares, your plazas. The museums of the world will be filled only with paintings of graceful, naked lads.

Our writers and artists will make love between men fashionable and de rigueur, and we will succeed because we are adept at setting styles. We will eliminate heterosexual liaisons through usage of the devices of wit and ridicule, devices which we are skilled in employing.

We will unmask the powerful homosexuals who masquerade as heterosexuals. You will be shocked and frightened when you find that your presidents and their sons, your industrialists, your senators,your mayors, your generals, your athletes, your film stars, your television personalities, your civic leaders, your priests are not the safe, familiar, bourgeois, heterosexual figures you assumed them to be. We are everywhere; we have infiltrated your ranks. Be careful when you speak of homosexuals because we are always among you; we may be sitting across the desk from you; we may be sleeping in the same bed with you.

There will be no compromises. We are not middle-class weaklings. Highly intelligent, we are the natural aristocrats of the human race, and steely-minded aristocrats never settle for less. Those who oppose us will be exiled.

We shall raise vast private armies, as Mishima did, to defeat you. We shall conquer the world because warriors inspired by and banded together by homosexual love and honor are invincible as were the ancient Greek soldiers.

The family unit-spawning ground of lies, betrayals, mediocrity, hypocrisy and violence--will be abolished. The family unit, which only dampens imagination and curbs free will, must be eliminated. Perfect boys will be conceived and grown in the genetic laboratory. They will be bonded together in communal setting, under the control and instruction of homosexual savants.

All churches who condemn us will be closed. Our only gods are handsome young men. We adhere to a cult of beauty, moral and esthetic. All that is ugly and vulgar and banal will be annihilated. Since we are alienated from middle-class heterosexual conventions, we are free to live our lives according to the dictates of the pure imagination. For us too much is not enough.

The exquisite society to emerge will be governed by an elite comprised of gay poets. One of the major requirements for a position of power in the new society of homoeroticism will be indulgence in the Greek passion. Any man contaminated with heterosexual lust will be automatically barred from a position of influence. All males who insist on remaining stupidly heterosexual will be tried in homosexual courts of justice and will become invisible men.

"We shall rewrite history, history filled and debased with your heterosexual lies and distortions. We shall portray the homosexuality of the great leaders and thinkers who have shaped the world. We will demonstrate that homosexuality and intelligence and imagination are inextricably linked, and that homosexuality is a requirement for true nobility, true beauty in a man.

"We shall be victorious because we are fueled with the ferocious bitterness of the oppressed who have been forced to play seemingly bit parts in your dumb, heterosexual shows throughout the ages. We too are capable of firing guns and manning the barricades of the ultimate revolution.

Tremble, hetero swine, when we appear before you without our masks.

JohnAllman.UK

BY JOHNALLMAN.UK | MONDAY 17TH JUNE 2013 · 02:10 | EDIT

The homophobic manifesto

A counterblast to Michael Swift's famous essay

The Gay Revolutionary

published in *Gay Community News*, 15-21 Feb. 1987, often referred to as "The Homosexual Manifesto".

You will probably enjoy this more, if you read Swift's original essay first, re-published here, by Jesuits.

Trigger warning added later: Please do not read this piece *at all* if you are likely to be offended by the hate speech of Michael Swift in his original 1987 essay, of which this a parody.

This essay is an outré oasis of sanity, a triumphant, benign fantasy, an eruption of inner love, joy and peace, on how the oppressed desperately dream of a world where nobody is persecuted for "thought crimes", not even homophobic people.

We who are homophobic shall rectify your miseducation of our sons about sodomy (I hope before you get around to sodomising too many more of them). Our sons are the pride and joy of our under-valued masculinity, of our noble dreams and lasting truths. We shall rescue them from you in our schools, in our dormitories, in our gymnasiums, in our locker rooms, in our sports arenas, in our seminaries, in our youth groups … (etc) … wherever men are with men together. Our sons shall be educated and free and make their own *fully-informed* lifestyle choices. Many of them will (or so many of us hope), show by their lives that they remain cast in the image of God, no less. They may well come to crave and to adore *Him*.

All laws banning homophobia will be revoked. Instead, legislation shall be enforced which upholds our freedom of thought and expression.

All homophobic people must stand together as brothers; we must be united artistically, philosophically, socially, politically and financially. We will triumph only when we present a common face to our illiberal, intolerant and spiteful persecutors.

If you dare to cry bigot or homophobe at us, we will giggle at you, because we know in our hearts that we are free men, entitled to think any thoughts, express any ideas, we wish.

We shall write poems of the love of men for freedom; we shall stage plays in which man openly expresses his beliefs to man and nothing bad happens to him at all; we shall make films about the virtue of heroic men which will complement the cheap, superficial, sentimental, insipid, juvenile, pro-gay propaganda presently all-too prevalent on our cinema and television screens, even the broadcasts of our televised Parliament. We shall sculpt statues of whatever those of us gifted in sculpture feel like sculpting (and will generously allow you to do the same). The museums of the world will be filled with anything and everything that the museum management consider worthy to occupy exhibit space.

Our writers and artists, and yours, will write and make whatever they damn well want, and we will strive to protect their artistic freedom, and yours, because we're not mean or hateful, just homophobic. We will fight tooth and nail against the present persecution of homophobic people through usage of the devices of wit and ridicule, devices which we do not need to be "skilled" in employing like you, when ridiculing such an easy target as your spoilt-brat intolerance.

We will embarrass the homophobic people who have traded principle for a small measure of power, behaving as intolerant zealots, out of fear of the gay lobby. People will be surprised and amused when they find that their presidents and their sons, their industrialists, senators, mayors, civic leaders etc, are hypocritically playing safe, by outwardly posing as politically correct, whilst secretly being just as homophobic as the rest of us. Homophobic people are everywhere; we have no need or desire to infiltwate your ranks. Be careful when you speak ill of homophobic people because we are always among you; we may be sitting across the desk from you; we may be sleeping in a bed *near* you, but hopefully not *too* near.

There will be a return to good old British compromise. We are probably not *all* middle-class weaklings, but what matter if we were? We are not all highly intelligent, still less "the natural aristocrats of the human race", though at least we aren't doing anything as *unnatural* as you advocate. We don't hunger for power like you, only for our lost freedom. Steely-minded liberals or libertarians, even those of us who happen to be homophobic people, never settle for less than liberty. Those who oppose our right to our opinion will be therefore be patronised, and frowned at, and sued if they keep on causing us trouble.

We shall not need vast private armies to defeat you; reason alone will do the trick. Homophobic people as a demographic group don't typically want to conquer the world themselves, because most of us don't want *anybody* to conquer the world, least of all your lot. Your rhetorical "warriors" who you said were "inspired by and banded together by" homosexual vice and dishonour were not "born gay", they were *born losers*. You will one day be as dead as is every one of those ancient Greek soldiers of your perverse fantasy.

The family unit – admittedly occasionally the spawning ground of lies, betrayals, mediocrity, hypocrisy and violence, but far more often of truth, loyalty, excellence, sincerity and love – will surely survive your tantrums. The family unit, which seldom "dampens imagination" as you claim, nor "curbs free will", will therefore never be eliminated, I predict. (Perfect boys will be conceived and grown in the genetic laboratory, you say? My my, you really *meant* what you said about your essay being a "madness", didn't you? Bonded together in communal setting, under the control and instruction of homosexual savants? Over our dead bodies!)

All churches who condemn you will probably thrive, and win over the likes of us who are not presently church-goers at all. (Churches that condemn *us* will *not* be as successful.) Different homophobic people have different gods, or none. We have nothing against handsome young men, even though we will never *worship* them. Some of us *are* handsome young men ourselves (but not me, alas). It's just that they are *homophobic* handsome young men. (So, if you say that one of us has a beautiful body, don't expect him to hold it against you, darling.)

As a matter of fact, we quite like beauty, both moral and aesthetic, ourselves. (That is exactly the reason why many of us are the homophobic people we are in the first place.) We do not expect realistically to be able to annihilate all that is ugly and vulgar and banal, and nor should you. We don't necessarily agree with one another in the first place, as to what things are ugly or vulgar or banal, apart from homosexuality, about which we *do* agree. We don't even expect to "annihilate" *homosexuality*, just to be *free again to disapprove of it*. We are alienated from present day middle-class pro-gay conventions, but we remain free to think our own thoughts privately, guided, for example, by the dictates of pure conscience and aesthetic sense. And we intend to emancipate ourselves from your slavery, becoming free once again to *express* our homophobic thoughts, without fear of reprisals. For us, too *young* to learn about your vile habits is what we consider many of our own sons still to be.

We are not expecting an exquisite society to emerge. We can barely imagine a worse government, for any society "exquisite" or otherwise, than one composed entirely of "gay poets". (Well, not on this earth. Perhaps the planet Uranus?) Any man contaminated with homosexual lust will be barred from talking on and on and on about it endlessly, posing as a "victim", boring the pants off the rest of us. We will do our best to ignore all males who insist on remaining stupidly homosexual. We are *homophobic* people. That's what we *do*. That's who we *are*. That's how we want to *stay*.

We shall expect history to continue being "rewritten", by all sorts of people, including people like you, Michael Swift, as it always has been. But we will challenge homosexualist lies and distortions. A few of us *might* (occasionally) "portray" the homophobia of "the great leaders and thinkers who have shaped the world". We will certainly protest whenever academics are fired, for discovering that homophobia is inextricably linked with intelligence and imagination, or that homosexuality isn't, despite your bold claims.

We shall *probably* be victorious *eventually*, but, unlike you, we are not fuelled by "ferocious bitterness". We are merely weary of being persecuted and maligned. We have been bombarded with your dumbed-down, politically correct diatribes and insults for too many decades, perfectly able to see from the outset the absence of joined-up thinking in your propaganda. We too are capable of firing guns and manning the barricades of the ultimate counter-revolution. But why should we have to use guns, when we have reason and good old-fashioned liberal/libertarian values on our side?

Tremble, pro-gay swine. We who are *proud* to be homophobic people intend to rip off *your* masks, and show you for what *you* are, to the whole world. Our day will come. One day, we will no longer lose our jobs, or our children, our liberty, or our lives, because of your disapproval of our disapproval of your craving for our feigned approval, at any cost to our consciences, of your favoured vice.

And please don't even *think* of sodomising either of *my* sons, or I'll scratch your ugly eyes out, duckie.

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Let every child have both parents (my general election manifesto 2015)
In "Children's Rights"

B*ggers CAN be choosers! (About "sexual orientation" determinism.)
In "Homophobic"

Homophobia - the hitherto elusive "gay cure"
In "Guest posts"

4 responses to "*The homophobic manifesto*"

Fred Bloggs

Monday 17th June 2013 at 21:30 Edit

Brilliant!
Bravo and hear, hear!
This must be circulated and spread. I applaud you for writing it.

Reply

Pingback: Je suis James. | JohnAllman.UK Edit

Pingback: How I became the Christian Peoples Alliance candidate for North Cornwall | JohnAllman.UK Edit

Columba McC

Sunday 9th July 2017 at 15:33 Edit

Some parts of our churches have real problems. But what people forget is that unless you have cast iron proof numerous strong implications get the sweeper fish at the bottom of the fish tank nowhere, as these folk are masters at obfuscation, denial and misdirection. Some churches are very infiltrated, but proving it can be like catching hold of an eel. Add to that that many in ministry are sympathetic innocents who need to learn to be wise as serpents as well as innocent as doves.

There is good will, but ignorance that needs gently directing; please do help us.

Reply

JohnAllman.UK

BY GAGGEDDAD | WEDNESDAY 29TH MAY 2013 · 17:15 | EDIT

Two year-old's contact stopped with "homophobic" dad (by Gagged Dad)

Guest post by "Gagged Dad", whose real name must be kept secret, for legal reasons

When the police at last cleared me of the false allegation that I had hit my two year-old son, I expected to be allowed to see him again straight away. I had been a part of his life since birth. I had been seeing him three times a week until almost two months ago, when all contact was abruptly stopped. I miss him, and he must be missing me.

The social worker said that the alleged assault, for which I had documentary proof of an alibi that would have proved my innocence if the police prosecuted me, wasn't an "insurmountable" problem. But she had developed other "concerns", about (if I remember the phrase correctly) my "parenting style", because of my "beliefs". (She had presumably found out that I used to take my son to church every Sunday. He loved it.)

I asked her to explain. What beliefs?

She responded by asking me a weird question. What if, when my my son was 14, he told me that he was "gay" and that he had a "boyfriend" and I was "violently opposed" to this? She wanted to know what I would do, in this hypothetical situation. How would I react to this announcement? Presumably she anticipated that I would react "violently", judging by the way she had worded her hypothetical question. I reminded her that my son was only two.

She then asked me how I would react if one of my *grown-up* daughters one day told me that she had had an abortion.

I later learnt that social services had decided not to "promote contact." I missed his third birthday. I don't know whether I will ever see my little boy again. If he can no longer have contact with me, who will take him to visit his three sisters and brother, or his aunts and uncles, or his nephews and nieces who are closer to his own age? Who will take him to church?

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In "Children's Rights"

36 responses to "*Two year-old's contact stopped with "homophobic" dad (by Gagged Dad)*"

John Allman

Wednesday 29th May 2013 at 17:31 Edit

Thank you, Gagged Dad. What you say should be very concerning.

Because of the secret family court system, you must never talk about your case to anybody, in such a way that you, your son, the social worker, or any other person could be identified, or you might be sent to prison. I don't suppose that would make your life any worse than it is, mind you.

Some of us have been trying to challenge the injustice of the secret courts for years.

Reply

Susan

Wednesday 29th May 2013 at 17:46 Edit

This is absolutely appalling. Complain to the Social Services, complain to you MP and get advice from a single-parents network. You may have to pay a solicitor to handle this one. Social workers are a very nasty breed with a lot of crap ideas. THERE IS NO SUCH THING AS HOMOPHOBIA.

Reply

JM

Monday 10th March 2014 at 04:40 Edit

little point in complaining to the perps…that only tends to provoke further abuse. another appalling case in long line of appalling cases…..

Reply

Susan

Wednesday 29th May 2013 at 17:47 Edit

Ten Worst Myths

Let's all save ourselves time. When arguing, just refer to these common homosexual myths by their numbers…we've all heard them often enough!
1. "Gays are 5-10% of the population." Rubbish, They are less than 2% according to the UK Census and similar surveys carried out objectively in other countries.
2. The Gay Gene. It is fashionable in the West to claim that some people are "born gay". Wrong. This can and has been scientifically refuted.
3. "Being gay is just like being black". Wrong. The two things have nothing in common. Being homosexual is a behaviour, being black is not. They are different sorts of category. Homosexuals have never been oppressed or enslaved like black people. There has never been any special tax on them. They have never (unlike women and poor people) been excluded from education, the professions or voting. They have never been barred from beaches, bars, restaurants, schools or buses just for being homosexual. They have never been forced to live in ghettoes. They are usually to be found in the most privileged classes of society. The penalties for sodomy always applied to heterosexuals as well.
4. "The Nazis exterminated 100,000 homosexuals along with the Jews." Rubbish. They exterminated 6 million Jews, some of whom were homosexual – that is all. 2% of 6 million is 120,000 yet there are no documents to prove more than 500 were ever arrested or locked up. Most of those were not killed. They came out alive at the end of the war.
5. "Homosexuals commit suicide because they are so bullied and victimized all over the world". Wrong. Most gay-bullying is done by gays to other people.
6. "There is no connection between homosexuality and paedophilia". Oh no? Go and read Alfred Kinsey. And the records of the Boy Scouts. Even Jimmy Savile was bisexual – he molested boys.
7. "AIDS is not a gay problem". Oh yes it is. See "The Myth of heterosexual AIDS" The Myth of Heterosexual AIDS: How a Tragedy Has Been Distorted by the Media and Partisan Politics, [book] by Michael Fumento, pub. Regnery September 1993. ISBN-10: 0895267292 ISBN-13: 978-0895267290. The health risks of the homosexual lifestyle are very high and very serious. They cannot easily be dealt with by antibiotics or just using a condom. Male homosexuals are 28 times more likely to get AIDS than normal heterosexuals, and there is no cure. Homosexuals have a significantly shorter life expectancy than heterosexuals.
8. "The Christian Churches used to perform same-sex unions in the

middle ages". This is a complete fallacy. It derives from a book by John Boswell which is crap. Most "gay" history is a pack of lies.
9. "Homosexuals are more talented than average and that many great geniuses have been homosexual." Wrong. There is no difference between the intelligence of homosexuals and other people.
10. Being a "homophobe" is a sure sign of being a repressed homosexual. Rubbish. Actually there is no such thing as "homophobia". It is fraudulent pseudo-scientific term.

Reply

chris

Thursday 30th May 2013 at 16:17 Edit

Love your Truths, Susan.

Reply

fgzstar

Thursday 11th July 2013 at 11:35 Edit

It's people like you that make life for homosexuals much more difficult. We don't want to change you, or corrupt your children. We just want to be treated the same as anybody else, and to be able to love whoever makes us happy. I don't hate you, I just feel sorry for you, because you are so afraid of a group of people who have done nothing to harm you, just because a book tells you they are wrong, and you are too ignorant to challenge it.

Reply

John Allman

Thursday 11th July 2013 at 17:45 Edit

How is Susan making life difficult for anybody? How is she escaping the efforts to change her, that (say) Gagged Dad has experienced, or her children the attempts to corrupt them that other's children report? Do you think that parents treat all strangers the same? How do you know that people who practise homosexuality have done nothing to harm Susan, or her opinion is taken from a book, or that she is "ignorant", or that she hasn't "challenged" any of the sources of her ideas that aren't simply her own opinion, arrived at independently, all on her own?

Reply

Susan

Friday 28th August 2015 at 17:38 Edit

Wrong – the ignorance is on your side. To deny that there is an organised LGBT movement with an agenda, a manifesto, registered groups and branches, international networks, big conferences, funding in universities, branches in trade unions, committees in professional bodies, salaried leaders, state subsidies … you really are ignorant, Particularly as the tax-payer is burdened with paying for it.
Haven't done any harm? You clearly haven't read the article above.

Reply

David Skinner

Monday 28th September 2015 at 11:28 Edit

fgzstar, though you personally might not wish to change society,or corrupt children and just be treated the same as anybody else, and be able to love whoever makes you happy, this not intention of the radicalising homosexualists. Like the Muslims who do not want to assimilate into British society, but instead want to bring the UK under Shariah law, so to in mirror image fashion, the gaystapo want to smash down the barriers protecting marriage, family and children and instead force us to become as liberated and degenerate as they are . They do not want equality. What they want is sameness- that we should become the same as them. In order to do this they are already, using intimidation, oppression and violence in order to get what they want, when they want it. Instead of Sharia , the gaystapo are bringing in Pink Law. I could not be bothered to give you or any gay activists who comes on this blogg, chapter and verse evidence, because your mind is darkened. You are blind and deaf to the truth. Only God's mercy and grace can unlock the prison of homosexuality and set you free and if the Son, Jesus Christ should set you free, you would free indeed. Repent and be saved from the wrath to come.

Reply

Jan Cosgrove

Tuesday 4th August 2015 at 06:04 Edit

1. 2%, 5% – WHO CARES? There ARE gays, full stop. Jesus asked the woman taken in adultery "who has condemned you?" She replied "no one" "Neither do I. Go and sin no more." In the context of a group of corruptly sanctimonious 'virtuous' people being unable to meet his challenge about "without sin". What follows is always overlooked, a discussion about marriage as then accepted, and then about those whom it would not cover – he gave examples. In the 'christian' desire to impose (straight) marriage on all as a standard, the words of the Man are ignored. And BTW, he didn't specify adultery as the particular sin she was not to repeat, any his injunction/advice applied to the sanctimonious as much as to her.
2. It hasn't been refuted. The jury remains out.
3. They have been persecuted, imprisoned, their behaviour criminalised (not just anal intercourse but oral sex and mutual masturbation which were not offences if one was not gay). Lesbians were not criminalised. The system encouraged those who committed crimes against gays – robbery, violent assault, blackmail. You make the black-gay comparison to divert attention from the real issue, the denial of civil rights to gays and their criminalisation which the sanctimonious wanted continued until the tide of public opinion changed. The idea that "it's the rich etc", that really shows your lack of objectivity and your real purpose, demonisation. You are not 'sad', you are a threat to the liberty of others.
4.Holocaust denial re gays, well you are in strange company .... or given the bile you have spouted, maybe not. At least you seem to agree the Jews were being exterminated. Ah 'gay jews', of course. Er, how did the nazis find that out????
5. Total bunk. Oh, what proportion of homeless kids in the US are judged to be, er- gay? 40%. Usually turfed out by sanctimonious parents. How do you suppose a kid manages to 'come out' in such a situation, hoping there'd be acceptance but losing home and family? Next you'll tell us there's a 'cure'
6. Kinsey – oh boy, once reviled by people of your view, now espoused? Wooaa. A man now questioned as to his methods, and his encouragement of behaviours. I went once to a fringe meeting at a conference where feminist campaigners told all us men we had to admit our paedophilic tendencies... Now, let's see, are boys or girls most reported as being victims, and who are the perpetrators in the main? Gays? Or Straights? You do grave injustice to victims as well as law-abiding gays with such mischievous garbage. The issue is PAEDOPHILIA. Or aren't girls assaulted? BTW, any 'news' on female adult-on-female child assault? No? Hmmmm.
7. How about Africa? Gay AIDS transmission? The greatest prevalence of AIDS globally? Women as much as men. The issue is not gay/straight, it's multiple sex partners and lack of protection. In the US, that's more of an issue for gay males, and also drug users, please don't forget them. In Africa, where gay behaviour is often outlawed and denied to happen even, and where female sex workers play a role as men forced to migrate away from families for work, both give and get the virus which then transmit via their wives etc. Get real, the issue has to be encouraging stable communities where couples can live in stable unions, straight or gay. Are gays naturally more promiscuous than straights? I suggest you could only judge that if you had similarly disposed populations where stable union was easier

to achieve. I'd suspect that decades of criminalisation and non-acceptance created a promiscuous lifestyle amongst at least some gays, and I suspect it may take quite some time for that sub-culture to change/disappear even.
8. Who cares? There are gay-myth campaigners, a mirror-image of your approach.
9. Most gays don't believe such guff, but they will look to icons of their own, talented people who displayed gay behaviour. We're encouraged to do that as role models re girls (successful women) re boys (e.g. the rich and famous, or the virtuous etc etc etc), or within ethnic communities (great Scots people we have known, famous people of Bognor Regis etc) Many claims are made for all sorts of groups and identities, so why not gays too? Aw, go on, let them. That nice Mr Wilde, oh Sonnet 18 to a youth not a maiden. Oooh, that Theban Band. Or, the modern age, Alan Turing. Wot, no statue? This isn't a litany about gays being better etc, it's to acknowledge individual gays for what they achieved not whose cocks they sucked etc No persecution? Read what happened to Turing, a brilliant mind, hugely influential. Chemically castrated by the State which had been shamelessly prepared to use his talent when convenient but which then turned on him. Have you no shame for what you appear to condone? Oh, back to point 5 … Turning took cyanide …. Ah well, one less of them. Er, verdict was 'suicide'.
10. Alas, whilst this may be a myth, there is some recent work which might re-open that debate. 'Phobia'? It's not used as a scientific term, i have never seen it engaged as such. But it does describe hate crime against gays which does happen.

Reply

Susan

Friday 28th August 2015 at 18:07 Edit

Wrong on every count.
1) Of course it matters that they exaggerate their numbers, It's a lie and it's designed to get more power and money. Truth matters.
2) The notion of being "born gay" has been conclusively refuted by many independent pieces of research conducted into identical twins, There is no jury and the matter is settled.
3) You imagine that homosexuals have been persecuted because you have been fed a lot of distorted or fake history. You just don't know the facts. You are confused in accusing me of making a black-"gay" comparison when that is just what I have disallowed. To claim I am a danger is sheer piffle and shows that you are getting hot under the collar!!!
4) I am not denying any Holocaust, you are just ignorant about what actually went on. Again LGBTs have disseminated falsehoods.
5) Your statistics are complete garbage. It is a myth that sanctimonious parents throw out "gay" teenagers. The truth is that homosexuals have far higher than average rates of bullying and murdering each other. And they kill heterosexuals – Flanagan being the latest example.
6) Re Homosexuality and paedophilia there is far too much evidence to list here. Suffice it to say that your denials are disingenuous,. All the leaders and founders of t he LGBT movement have always been paedophiles. Most of them still are. Brinkin, Bean, Tatchell following in the footsteps of Harry Hay and David Thorstad. More than half of all CSA victims world-wide are boys molested by homosexuals.
7) To deny that AIDS is a "gay" problem is, again, simply disingenuous. Read the latest announcements from the public health officer.
8) You say Who cares? If you don't care why not shut up? This is one more example of the LGBT movement relying on falsehood. Truth matters.
9) That nice Mr Wilde was a paedophile, He molested boys. As for Alan Turing, you have evidently taken Hollywood fantasy for fact. He was just one of hundreds of people who worked at Bletchley, no great genius, and what happened to him was entirely his fault. He told lies to the police, Idiot, And there are far too many statues of him everywhere.
10) There is no such thing as homophobia, Homosexuals fake "hate-crimes" endlessly all over the world and most shamefully, they try to get heterosexuals convicted of these fake crimes. Here is just one recent example., but there are hundreds more. http://www.advocate.com/crime/2015/08/07/women-faked-hate-crime-jury-rules
The Kray twins were homosexual. but I suppose you think they were victims too?

Reply

Sabine Kurjo McNeill

Thursday 30th May 2013 at 09:19 Edit

On your individual level, you must go beyond and above the Social Workers. Judges tend to sanction what they are doing. So your MP is your best bet, especially if you include John Hemming MP who is VERY aware of the corruption of the family courts.

In general, solicitors are corrupt, too, and don't achieve what you need. Become stronger and stronger to stand your ground as a 'Litigant in Person'. Threaten with taking them to court, possibly. Show them how many people know of their wrong doing and that secrecy as a cloak for criminality will soon be revealed! http://bit.ly/16l1Tgz

Pester them. Show them this European Assembly recommendation which is the result of Slovak parents fighting for their 2 boys: http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=19220&lang=EN

These 'legal reasons' must be stopped! First the state punishes without crime, then it gags!?... Please help gather signatures for the petitions that will support an EU petition. MEPs are already being 'groomed'. See http://bit.ly/1373zV4 and http://bit.ly/16l1Tgz for more 'shock therapy'.

Sighing, but "Discouragement is not an option"!!!

Reply

maureenjenner

Sunday 2nd June 2013 at 10:25 Edit

Reblogged this on Musings of a Penpusher and commented:
Another case of justice denied?

Reply

maureenjenner

Sunday 2nd June 2013 at 10:30 Edit

I have reblogged this. It is worth trying to ensure as many people read about what is going on if we are ever to have justice one day. So many remain ignorant of the facts.

Reply

sharmishtha basu

Friday 14th June 2013 at 16:17 Edit

it sounds gross and anything but justice!

Reply

Pingback: Why foster carers, but not natural parents? | John Allman, UK Edit

prayerwarriorpsychicnot

Wednesday 27th November 2013 at 23:39 Edit

Appalling story, sadly not unique and with all the secrecy how many people are affected? The money spent on Leveson would have been better spent on a rigouress enquiry into social workers – like why do the appear to be acting on a political agenda and who is responsible for setting it. Gagged Dad along with the practical advice you have been given, don't forget prayer as a resource.

Reply

Harry Small

Saturday 30th November 2013 at 14:14 Edit

The son will be better off not wasting his time in church

I notice by the way that this father does not indicate what answers he gives to the social workers' perfectly valid questions. If the boy did turn out to be gay I suspect that "gagged dad" would probably try to "pray it away" or force the child into one of the discredited forms of counselling that tries to turn gay people straight. Would gagged dad like to comment on how he would have answered?

Reply

gaggeddad

Saturday 30th November 2013 at 18:39 Edit

Why are those questions "perfectly valid"? My son was only two!

I have already said that I answered the first question by reminding the social worker that my son was only two. What I would do, in a hypothetical situation, when he was fourteen, isn't something I'd even thought about. He's just a normal toddler, who needs his dad.

I answered the other question, about how I'd feel if one of my grandchildren got killed in an abortion, by saying that I'd be "devastated". I would be devastated if anybody killed any of my grandchildren, at any age. Why is that a reason for my son not to know his dad?

I don't think your opinion that my son would be better off not coming to church is relevant. My post isn't about church. Coming to church with me was just something he loved to do when he was with me three days every week.

I don't know much about counselling and don't trust it I would certainly never "force" any teenager of mine into counselling. I wasn't asked about that though. He was only just learning to talk.

I think you're being silly.

Reply

Susan

Friday 28th August 2015 at 18:15 Edit

I am with you all the way,. Gagged Dad, and I hope that you will find some way to overcome this terrible injustice, It is unfair to you AND to your son,

Reply

Truth Teller.

Thursday 3rd April 2014 at 09:37 Edit

If I had a family member that decided to have gay sex at the age of 14 I might tell them that it is illegal to have sex at the age of 14 and if you decide to break the law then maybe try and look more into why it is that you want to have gay sex? I may also say to the family member that thought they were "gay" -that a girl may find a girl attractive because many girls are pretty, but thinking that a girl is pretty does not mean your are a freak, nor does it mean that you are gay.

It may be that you appreciate beauty, that you are honest with yourself and others to tell them this, -but does appreciating other humans beauty mean you should be boxed into a category and labeled "gay?"

Should you necessarily then follow the trends and expectations that may be associated and influence by being tagged with a "gay" label? Does recognizing that someone of the same sex is pretty mean you should then start having gay sex? Does being able to acknowledging beauty mean you have something wrong with you?

Could some people get scared, worried, confused and hate them self's because they were taught that if you recognize the beauty of someone who is of the same sex, then you are an outcast, a freak and then in this weakened state of confusion/misconception, feel that they are not like other people, that they are an outcast that may only be "normal" and accepted by "gay" people and the person now decides to seek normality with other "gay" people and to then try out gay sex? could they then later find out and realize that not only is it possible to acknowledge and appreciate the beauty of someone of the same sex, but it is also possible to find human contact (when done in naturally sexually stimulative sensitive privet places) pleasurable and now discovering and accepting this they therefore conclude that this means they are full on "gay?"

-A buses vibrations in the morning may stimulate some peoples seances, does that mean you are a "Busersexual" for discovering that the new models of buses are really well built, pretty and can also increasingly sexually stimulate you if they come into contact with you in certain ways?

likewise, in the event of being brought up to believe that being gay is perfectly ok may also lead to someone who merely appreciated the beauty of someone of the same sex, to then believe they are now "gay" and they decide to hang around in circles of people who have gay sex and maybe also decide to have gay sex, because they were taught that people who recognize the beauty of others are "gay" and have gay sex.

If I appreciate the benefits of wealth does that make me materialistic? -What if I recognize the benefits of poverty? i.e. maybe increased humbleness, appreciation of what you have got, passion to help other in need, satisfaction/contentment/happiness and a way to protect your self from being arrogant.

With each individual person different reasons may make them choose to be labeled "gay."

Surely to ask someone "what would you do if your 2 year old son was gay in 12 years time" may not really be an answerable question if you do not have other information that may be needed to give an accurate answer. i.e. I knew one person who told me she was a lesbian. Then one day we was driving past a takeaway and she saw a man in a takeaway and she said something along the lines of "he is gorgeous." I said to the lady, something along the lines of "you must not be a (full on, woman only) lesbian if you find that man attractive, perhaps you only find really good looking guys attractive. The lady realized she was not a (full on) lesbian and later chose to be with a man.

-We may not know why each individual person chooses to have have gay sex "-how long is a piece of string?"

As for abortions, I remember when I first found out that the (now) mother of my child was pregnant. I basically told the mother that I do not agree with aborting children and that she has the right and freedom to make her own mind up. She was worried about what her parents would say. I basically tried to help her not feel pressured, I also suggested not telling her parents she was pregnant until she had decided what her opinion (of what to do) is. I think I did not want to force or pressure her in anyway. I probably also reassured her that I would not leave her to bring up a child on her own, that I would be a good farther and I also encouraged her to take her time and make up her mind without being under pressure. -Different people, different situations, different circumstances may mean different

answers to a question "what would you advise your daughter if she said she wanted an abortion" -how long is a piece of string..?

-The correct answer may differ if she said she wanted an abortion because she is scared of what her mum would think.. or if she wanted an abortion because she thought the babies farther would abandon her, or she is ashamed to walk down the road with a pram, or if she wanted an abortion because she was worried about money, or she thought bringing up a child ruins your life (when it could be a lot easy and rewarding than people may at first think, it may even add value to your life...)

Maybe some 14 year old people genuinely need help with reasoning and require different levels/types of support.

Surely we all should the have freedom to choose what we want to do and showing your pregnant 14 year child that you care for them, that they have free will to choose what to do, whilst also helping them by explaining your reasoning for why you (act upon your freedom to have opinions and) choose not to have abortions may help your 14 year old daughter be honest with you and share with you any have worries they may have about having a child. This level of positive communication between a parent and child may open ways for the child to be help with any misunderstandings or other reasoning difficulties that they may need help with.

I am glad my daughters mother decided to not terminate are daughter and seeing the beautiful results of are mutually agreed decision, I can confidently say we made the right choice!

Am I a bad parent for not agreeing with other peoples opinions of having gay sex and aborting children? Should my daughter be taken from me? Am I abnormal, a freak for having my own opinions?

Reply

Susan

Friday 28th August 2015 at 18:11 Edit

These forms of counselling are not "discredited". You are simply attacking t he freedom of others to seek whatever help they want and choose. you should mind your own business. As for the claims that therapy is harmful, that is absurd since LGBT behaviour is harmful indeed lethal.

Reply

Truth Teller.

Thursday 3rd April 2014 at 09:38 Edit

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accepted by "gay" people and the person now decides to seek normality with other "gay" people and to then try out gay sex? could they then later find out and realize that not only is it possible to acknowledge and appreciate the beauty of someone of the same sex, but it is also possible to find human contact (when done in naturally sexually stimulative sensitive privet places) pleasurable and now discovering and accepting this they therefore conclude that this means they are full on "gay?"

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likewise, in the event of being brought up to believe that being gay is perfectly ok may also lead to someone who merely appreciated the beauty of someone of the same sex, to then believe they are now "gay" and they decide to hang around in circles of people who have gay sex and maybe also decide to have gay sex, because they were taught that people who recognize the beauty of others are "gay" and have gay sex.

If I appreciate the benefits of wealth does that make me materialistic? -What if I recognize the benefits of poverty? i.e. maybe increased humbleness, appreciation of what you have got, passion to help other in need, satisfaction/contentment/happiness and a way to protect your self from being arrogant.

With each individual person different reasons may make them choose to be labeled "gay."

Surely to ask someone "what would you do if your 2 year old son was gay in 12 years time" may not really be an answerable question if you do not have other information that may be needed to give an accurate answer. i.e. I knew one person who told me she was a lesbian. Then one day we was driving past a takeaway and she saw a man in a takeaway and she said something along the lines of "he is gorgeous." I said to the lady, something along the lines of "you must not be a (full on, woman only) lesbian if you find that man attractive, perhaps you only find really good looking guys attractive. The lady realized she was not a (full on) lesbian and later chose to be with a man.

-We may not know why each individual person chooses to have have gay sex "-how long is a piece of string?"

As for abortions, I remember when I first found out that the (now) mother of my child was pregnant. I basically told the mother that I do not agree with aborting children and that she has the right and freedom to make her own mind up. She was worried about what her parents would say. I basically tried to help her not feel pressured, I also suggested not telling her parents she was pregnant until she had decided what her opinion (of what to do) is. I think I did not want to force or pressure her in anyway. I probably also reassured her that I would not leave her to bring up a child on her own, that I would be a good farther and I also encouraged her to take her time and make up her mind without being under pressure. -Different people, different situations, different circumstances may mean different answers to a question "what would you advise your daughter if she said she wanted an abortion" -how long is a piece of string..?

-The correct answer may differ if she said she wanted an abortion because she is scared of what her mum would think.. or if she wanted an abortion because she thought the babies farther would abandon her, or she is ashamed to walk down the road with a pram, or if she wanted an abortion because she was worried about money, or she thought bringing up a child ruins your life (when it could be a lot easy and rewarding than people may at first think, it may even add value to your life...)

Maybe some 14 year old people genuinely need help with reasoning and require different levels/types of support.

Surely we all should the have freedom to choose what we want to do and showing your pregnant 14 year child that you care for them, that they have free will to choose what to do, whilst also helping them by explaining your reasoning for why you (act upon your freedom to have opinions and) choose not to have abortions may help your 14 year old daughter be honest with you and share with you any have worries they may have about having a child. This level of positive communication between a parent and child may open ways for the child to be help with any misunderstandings or other reasoning difficulties that they may need help with.

I am glad my daughters mother decided to not terminate our daughter and seeing the beautiful results of are mutually agreed decision, I can confidently say we made the right choice!

Am I a bad parent for not agreeing with other peoples opinions of having gay sex and aborting children? Should my daughter be taken from me? Am I abnormal, a freak for having my own opinions?

Reply

Susan

Friday 28th August 2015 at 18:13 Edit

If you are as you say opposed to abortion you should not have made this girl pregnant outside wedlock. So yes, you were from the outset a "bad parent".

Reply

TI

Saturday 5th April 2014 at 09:27 Edit

it is common knowledge that he likes to wind people up and obsessed with abortion ideation. Many people think he is gay as he goes on and on about those connected views. He is "gagged dad" .....

Reply

Pingback: The Hampstead Witch Hunt – parental alienation taken to extremes | John Allman . UK Edit

Pingback: Let every child have both parents | John Allman . UK Edit

Pingback: Both parents, every child, where POSSIBLE | JohnAllman.UK Edit

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Pingback: Does someone you love hate you? | JohnAllman.UK Edit

Pingback: Cornwall Council demands secret trial in Gagged Dad case | JohnAllman.UK Edit

RaymondTheBrave

Friday 2nd October 2015 at 09:18 Edit

Reblogged this on Christianity is a Way of Life and commented:
This is what is happening in the UK today!

Reply

Pingback: How I became the Christian Peoples Alliance candidate for North Cornwall | JohnAllman.UK Edit

Pingback: Gagged Dad (A v Cornwall) – judgment and appeal | JohnAllman.UK Edit

JohnAllman.UK

BY JOHNALLMAN.UK | FRIDAY 24TH MAY 2013 · 23:37 | EDIT

Shopping for medical opinions

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This blog post

Touch the image to read the gist in brief

Bipolar patient has capacity to decide to terminate pregnancy

about this judgment of the Court of Protection

SB (A Patient; Capacity To Consent To Termination), Re [2013] EWHC 1417 (COP) (21 May 2013)

has set me thinking.

. . .

A tense, life-or-death, courtroom drama

Pitched against her own legal team, the mental patient, Mrs SB, had two psychiatrists, her mother, her father, her husband (presumably the baby's father) and the NHS hospital in which she was sectioned, along with their various solicitors and barristers, all agreeing that she was "not thinking straight".

Her baby was not legally represented in court. As the nice judge said, "the foetus has no independent rights which fall to be weighed or considered by me at all in these proceedings".

Present (though hardly as a disinterested, mere spectator), was the enterprising would-be sub-contractor who had put in a last-minute bid to do the job, less than a week before the mother reached 24 weeks pregnant, and the baby's life would have become untouchable. "A doctor employed by a well known body", is how the judge described this potential beneficiary of the judge's own hard day's work, when the abortionist put in his own "hard day at the orifice".

The abortion industry's income, and love for humanity, have to weighed jolly carefully in the scales of justice nowadays

At 23 and a bit weeks, the foetus could perhaps be delivered alive, and would stand a chance of surviving. The slower the wheels of justice ground, the better the foetus' chances of making it. But the court wasn't "Thinking outside the botch" today. Nothing but death would suffice, for some reason. That was what was stipulated in the abortionist's – er – *contract*.

The case would therefore need to be decided quickly. There was robust justice to be done. The judge didn't start delivering his judgment until 8 o'clock in the evening. What a hero. Tomorrow might have been too late. They still had to find a second doctor to sign the death warrant, and time was running out. What if not even the "well-known body" could come up with a second signatory, who knew how to "weigh" stuff that "fell to be considered"?

Here is the gist of the UK Human Rights blog post's summary of the court's judgment:

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The patient … was a 37 year old highly intelligent graduate… 8 years she presented with symptoms … of bi-polar disorder. She had been detained … at various times … These proceedings were issued … because the mother concerned was "very strongly" requesting a termination … It was clear from the patient's own evidence that she herself did want a baby at the time that she conceived it. But after the first trimester had elapsed, in April, she started to show signs of her disorder and there was a "total reversal" in her attitude towards the baby …

The judge was prepared to take the unusual step of differing from the view of the psychiatrists that she would bitterly regret the termination. … The decision, with its risks of consequent regret, was one that the patient should be at liberty to take. The judge fully appreciated her situation, including the fact that she was currently compulsorily detained. … the Court … the judge has to consider whether the reasons for a decision are rational. This does not mean that they have to be good reasons, nor does the court have to agree with the patient's decision…

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A victory for the rights of mental patients

The good news is that the lady with "paranoia", which the doctors said was the entire reason for her change of heart towards her baby, won the right to choose *something*, even though it wasn't the right to choose whether to be in a mental hospital or not, which might have been more useful. And the abortionist was given his (shall we say?) *weighty* reason to grin like a Cheshire cat all the way home. So, the foetus' will not have died in vain, if that is what did happen to him or her. His sacrifice has struck a blow in the long struggle for equality of mental patients.

–

But why this case?

Didn't bringing *this* case, in this situation as it was, when the objective was to protect the patient's mental health from Post-Abortion Syndrome kicking in as soon as her Bipolar Disorder got better, amount to putting the cart before the horse, so to speak?

The question before the court was whether the patient had mental capacity to "request" an abortion. If we had abortion on demand in the UK, whether an abortion had been "requested" would be an important question, since any mother who *requested* an abortion, would be likely to *have* an abortion, just because she had requested it. But, under UK law, the patient having requested abortion is an irrelevant consideration. The patient's request is not one of the tests to apply, under the Abortion Act, in determining whether an abortion would not after all be a criminal offence. First, the question has to be answered by doctors, whether there are medical grounds for abortion. Then the question has to be asked whether the mother consents to the abortion procedure. The Abortion Act doesn't mention "requesting" at all.

As evidence of the patient's capacity to make the irrelevant "request", the patient showed that she had a rational reason for requesting an abortion, namely not wanting to bring up her unborn child herself after he or she had been born. But this was not a reason that two doctors "acting in good faith" could possibly take into consideration, when both forming one of the necessary medical opinions set out in section 1(1) of the Abortion Act, the

statutory criteria for medical abortions to be lawful. In the UK, an abortion is not made legal merely by a mother not wanting to bring up her child, thank God.

To put the *horse* before the *cart*, as one should, the patient could have simply asked her two psychiatrists to form the opinion in good faith that (to quote the Act) "the continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to her mental health". (This was the ground for 97.9% of the legal abortions in England and Wales during 2011.) Who better to ask? If they formed that opinion in good faith, then, and only then, the only important mental capacity question would arise, the question as to whether the patient had mental capacity to consent *herself* to the abortion *procedure* itself.

(Exceptionally, I suppose, that there is an outside chance that she was one of the 2.1% of mothers who legally qualify for an abortion other than on the mental health grounds. Had there been any reason to suppose this – and there seems not to be – I suppose that the question could have arisen then, as to whether she should have also been be attended by two other doctors, specialists in whatever far less common risk that continuation of the pregnancy posed to her physical health, whatever that might have been.)

–

What is really going on here?

What this case seems to be about, is what I will call *opinion shopping*, an ethically dubious activity which I nevertheless suspect has become an everyday occurrence throughout the length and breadth of the land. I would even go so far as to say that the word on the streets is that if woman goes to this rather than that "well known body", then they might even

have stocks of forms ready-completed and pre-signed with the very opinion she wants to buy, on which her name can simply be penned in.

Mentally ill woman (or woman who is willing to play the "mental health card" deceitfully) wants abortion. Psychiatrists (and who better to know?), say (or would say, if asked) that *their* medical opinion, formed in good faith, is that continuance of the pregnancy does not involve risk, greater than if the pregnancy were terminated, of injury to her mental health, perhaps even the very opposite. But that is not what woman wants to hear.

Woman wants instead to shop around for the opinion she wants to hear, amongst doctors known to be more enthusiastic than psychiatrists are likely to be about abortion, since psychiatrists see the ill-effects on mental health outcomes (or at least the lack of beneficial effects). Woman wants to keep trying other pairs of doctors, until she finds a pair of doctors only too glad to pander to her wishes. Doctors who are not psychiatrists, experts in predicting mental health outcomes. Abortionists, who stand to gain financially from saying "in good faith" what psychiatrists might not be willing to say, in order to give a semblance of legality to about 97.9% of legal abortions, if the figures for England and Wales in 2011 are typical.

Woman wants to see if she can persuade one of these other pairs of doctors, less well-placed to comment on the risks to her mental health than her psychiatrists, to say that the opinion of psychiatrists is wrong. She wants them to form "in good faith" the exact opposite of the opinion of the best qualified experts; namely that continuance of pregnancy DOES involve risk, greater than if the pregnancy were terminated, of injury to woman's mental health.

That seems to be an opinion elicited "in good faith" easily enough from most abortionists, on the part of any mentally ill woman who wants an abortion, or any woman who merely pretends to be mentally ill to trick the abortionists into forming

"in good faith" the opinions of which they need a steady stream anyway, just in order to provide 97.9% of the abortion industry's income, and thus keep their jobs.

See also the post "Giving evolution a helping hand", on this blog, for more thoughts about "psychiatric" abortions that psychiatrists do or would oppose, but which abortionists gladly approve willy nilly, in the name of dubious better mental health outcomes for those who provide their bread and butter.

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In "Family Rights"

JohnAllman.UK

BY JOHNALLMAN.UK | MONDAY 13TH MAY 2013 · 23:58 | EDIT

British judge okays “Don’t ask, don’t tell”

The Guardian reports the fate of British school teacher Robert Haye here:

Homophobic teacher loses appeal against classroom ban

–

Robert Haye flouted the benign British “Don’t ask, don’t tell” policy towards people with opinions that are not approved by the government.

As a homophobe, Robert Haye’s job was safe, as long as he remained in the closet. He would have been perfectly within his rights to have given a detention to whichever students in his class of fifteen and sixteen year-olds had pestered him to know whether he was homophobic. They had, after all, violated the “Don’t ask” rule themselves, the first half of the “Don’t ask, don’t tell” policy.

Instead of stifling any discussion of homophobia in the classroom as he was apparently required to do, Mr Haye responded by violating the “Don’t ask, don’t tell” policy himself. Asked, he told, thus breaking the second of the rules of the policy, “Don’t tell”. In his honesty, he outed himself as homophobe. He even outed himself as a Christian, a confession arguably even more dangerous, for a *science* teacher to make.

Mr Haye should have stone-walled the impudent enquiry. As somebody now *openly* Christian and homophobic, Mr Hayes quickly discovered that he had forfeited the safety which he had enjoyed whilst he had remained in the closet. He had stepped out from beneath the shelter of the “Don’t ask, don’t tell” umbrella. It had become inevitable that his comeuppance would rain down upon him, and rain it did.

Mr Haye will almost certainly never be allowed to work as a school teacher in this country again.

.

Don’t ask, don’t tell

The "don't ask, don't tell" policy was pioneered in the United States of America, where it was applied to people serving in the armed services, who self-identified as having homosexual or bisexual sexual orientations, or who practised homosexuality. The policy has been adopted and adapted throughout the UK, where it is nowadays applied to workers with opinions with which the government or their own private sector employers disagree, but who nevertheless need to work for a living *somewhere*. This generous, merciful policy provides complete protection from victimisation for all those with dissident beliefs, *as long as they keep their mouths shut* about their beliefs, in the workplace, or anywhere else (such as on social media) where workplace colleague would-be informers might discover their secret perverted opinions, and denounce them.

–

Stupid, or what?

Which part of the expression, "Don't ask, don't tell", is it so hard for these Christians, homophobes and other dissident minorities to understand? Why do these and other non-mainstream free-thinkers *insist* on being in the faces of normal people, by admitting to their dissident beliefs openly, instead of taking advantage of the fair-minded "Don't ask, don't tell" *toleration* offered to people like them, if only they will just learn to keep their disgusting opinions to themselves?

You mark my words: They'll be holding "pride" parades next, demanding a new policy that makes even more generous accommodations to minorities like them. More generous, that is, than the present, perfectly reasonable "Don't ask, don't tell" policy of toleration shown towards *silent* dissidents. They'll be demanding *equality* for different *opinions* next, if we don't watch out.

Oh, wait a minute … isn't "pride" a *sin*? Well, in that case, they'll have to think of something *else* to call their "pride" parades instead, won't they? I know: How about calling them "Not Ashamed" parades? That's got rather a nice ring to it.

–

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In "Political"

Gagged Dad (A v Cornwall) - judgment and appeal
In "Children's Rights"

One response to “*British judge okays “Don’t ask, don’t tell”*”

Susan
Tuesday 14th May 2013 at 10:04 Edit

Check out the similar case of teacher Kwabena Peat. Mr Peat has been sacked as a teacher for resisting the Blair governments’ policy of blatant homosexual promotion in schools.
The present government is doing nothing to change the policy, in fact it approves. Mr Peat also happens to be black, which may not be relevant, but it should make you stop and think next time lefties say “homosexual is just like being black”.
We should not teach our children in schools to call homosexuality “gay”. It is a biased term, that suggests it is all innocent fun, when it is really very dangerous and nasty.

Reply

JohnAllman.UK

BY JOHNALLMAN.UK | WEDNESDAY 24TH APRIL 2013 · 14:31 | EDIT

Catherine Schaible's right to choose

If you don't know who Catherine Schaible is, then please click on her picture below, and take your pick of the various news stories and blog posts in the search results.

The executive summary is that Ms Schaible's son died aged two, and she was convicted of involuntary manslaughter. (Allegedly, her son died because Ms Schaible hadn't called a doctor when her son fell ill.) She was sentenced to ten years probation. Recently, another of her five children, who was only eight months old, hardly what you'd call a "person" yet, also fell ill and died. Again, she hadn't called the doctor. Again, she found herself in trouble with the law, in the fascist, theocratic state Pennsylvania.

A lot of bigoted fanatics have been saying unkind things about Ms Schaible online and in the media. I have been posting comments like the following on some of the websites that contain such criticism of her, criticism that is often very strongly worded, for example even calling this innocent woman a "murderer", would you believe?

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Catherine Schaible

If you don't want to kill YOUR baby by neglect, then don't kill your baby by neglect. Simple.

It is nobody's business but Catherine Schaible's what she did with her OWN BABY. It is was her **RIGHT**, as a woman with inalienable reproductive rights, to CHOOSE whether or not to call the doctor when her baby was taken ill. All you fanatical zealots who want to force your beliefs in medical science down the throats of non-believers like Ms Schaible, need to learn to keep your noses out of other people's bedrooms and family business.

This woman obviously didn't *want* to keep her baby (at least, not enough to save its life by calling the doctor.) That's not a decision any woman takes lightly. She should not be vilified and treated like a criminal, merely for exercising her constitutional rights in this way. She is not just a brood mare for the state of Pennsylvania!

The Supreme Court of the United States has **ruled** that the government has NO RIGHT to interfere in a woman's private relationship with her physician. It is just as unconstitutional to persecute Catherine Schaible for *failing* to call the doctor so

that her unwanted baby would die, as it would be to interfere in that relationship if she had needed her doctor's *help* to get rid of her unwanted baby.

What sort of life would the baby have had anyway, with a mother who wished it dead? Ms Schaible is right. The baby is better off dead. Leave Ms Schaible alone, all you misogynistic men. You mere *men* can't give birth, so this has nothing to do with you, even though, admittedly, both of Ms Scaible's dead children happen to have been male.

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Clearly, Ms Schaible should have had somebody as clever as me as her defence lawyer, don't you think?

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In "Children's Rights"

One response to "*Catherine Schaible's right to choose*"

Susan
Tuesday 14th May 2013 at 10:00 Edit

Well I don't think that a 2-year-old child is exactly the same as an embryo or a foetus but I see your point. Life is life and once started should be respected. A woman who starts a pregnancy has a duty towards her child,

Reply

JohnAllman.UK

BY JOHNALLMAN.UK | SUNDAY 21ST APRIL 2013 · 00:04 | EDIT

Giving evolution a helping hand

Giving evolution a helping hand, when evolution isn't working fast enough, is called "eugenics".

This blog post presents evidence that eugenics is being practised, here in the United Kingdom.

The eugenics movement, is no unproven conspiracy theory. It is proven conspiracy fact. For example, compulsory sterilisation in the USA is documented in **this learned paper** (in PDF format, so some readers might have to download it), published in 1991 in the American Journal of Human Genetics. The compulsory sterilisation was at first of "criminals, the insane, feeble-minded persons", but later of "alcoholics, paupers, orphans, derelicts, delinquents, prostitutes and those unable to support themselves".

Who could deny that many people believe that hereditary factors play a part in the aetiology of mental illnesses? There is certainly ample **academic research** exploring this very possibility.

Follow @John_Allman

–

Let me therefore formulate a hypothesis, and then make a prediction of empirical measurements that will be made if an appropriate experiment is conducted. Then conduct (or cite) an appropriate experiment. We can then find out whether the results that the hypothesis predicts, are yielded by the experiment. (That's the proper "scientific method" for testing a hypothesis, isn't it?)

–

Hypothesis

A contemporary eugenics programme is being practised in the UK today, the effect of which will be to reduce the prevalence in future generations of mental illness, to whatever extent mental illness is hereditary.

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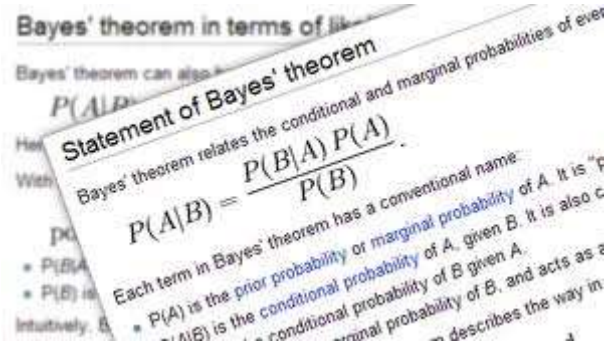
Prediction

 If the hypothesis were true, we would expect to observe the disproportionate extermination, in comparison with other children, of those who could be surmised to be more likely than other children to have inherited the genetic material that predisposes certain people to develop mental illnesses. For example, we might expect to observe that the children of mothers who have, or are considered likely to develop, mental illnesses, would become the deceased party during terminations of pregnancy under the Abortion Act 1967, disproportionately more often than the children of mothers who didn't exhibit mental illness, nor were identified as being at risk of exhibiting mental illness in the future.

–

Caveats

Before moving on to the necessary experiment, we must ensure that my proposed method is rigorous. I can foresee two problems, which I will endeavour to address first. Readers are welcome to suggest other possible flaws in my method.



Firstly, what was merely a *slight* over-representation of the children of mothers with, or diagnosed at risk of, mental illness, amongst the casualties of the abortion industry, might not be able readily to be seen to be *statistically significant*, capable of vindicating the hypothesis. Tedious mathematical tests for statistical significance would then be needed, in order to evaluate what (if anything) a merely *slight* over-representation told us. I would wish to avoid the need for these.

What I therefore need to do, is to refine my prediction, to eliminate this potential flaw in my method. What we would need to learn, I now say, from the experiment, would be that there was a *preponderance* of casualties who were the sons or daughters of mothers with, or at risk of, mental illness. A majority so *overwhelming* that it would be churlish to deny statistical significance, to deny that the experimental result amounted to evidence of eugenics by psychiatric abortion.

We must eliminate the distorting effect of any mothers who don't belong anyway to the demographic "mentally ill, or likely to become mentally ill". (Touch the picture with your mouse cursor for more.)

Secondly, we would need to eliminate any distortion of the experimental results, from what I will call "psychiatrically prophylactic abortion", abortions performed upon a woman who, as a result of her more robust genetic make-up, is not mentally ill, nor at exceptional risk of developing mental illness later in life, but to whom, some scientific evidence or other suggests, continuing with an unwanted pregnancy posed a risk of her developing mental illness for the first time in her life, a risk that clearly exceeded any risk posed to her mental health by having her pregnancy terminated.

Happily, we are able to eliminate completely this potential distortion. For example, **this recent research**, tells us that continuing with their pregnancies does not pose any greater risk to the mental health of mothers in general, who have unwanted or unintended pregnancies, than having their pregnancies terminated. In fact, there is evidence that termination actually *increases* the risk of mental illness.

–

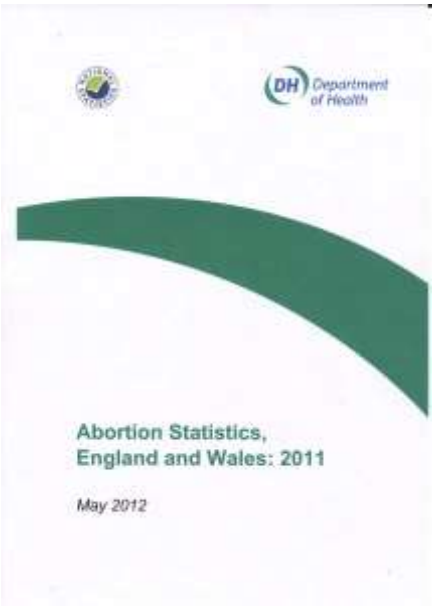
Experiment

Fortunately, we don't need a laboratory of our own, or one that is any smaller than two entire countries of the United Kingdom, to test whether the prediction of the eugenics programme hypothesis is born out. The British government's Department of Health itself has already performed the experiment that I would otherwise have to design and perform, and published **here** its meticulously gathered statistics for all the legal terminations of pregnancy conducted in England and Wales throughout the year 2011.

What percentage of all the legal abortions carried out in England and Wales during 2011 would you guess were carried out for reasons associated with the mother's mental health? A quarter? Half? More than half? Let's find out, shall we?

–

Result



The answer, to three significant figures, is **97.9%**. That is the *preponderance*, the *overwhelming* majority I hoped would be found, if the hypothesis wasn't just true, but was also going to turn out to be easy to prove, without tedious tests for statistical significance. It is the sort of empirical measurement predicted by a strong version of my hypothesis, that eugenics by psychiatric abortion isn't merely happening, it's happening on a *massive* scale.

Thank you, British government, for doing all the experimental work for us, so that we can simply read off the experimental result. That 97.9% of the legal abortions in England and Wales, during 2011, were psychiatric abortions.

–

Conclusion

The experimental result is entirely consistent with the presence hypothesised, at least in England and Wales and during the year 2011, of eugenics by psychiatric abortion, ridding future generations of those most likely to be carrying genes that contribute to the aetiology of mental illness, assuming that such genes exist. In fact, it is no overstatement to say that eugenic psychiatric abortion appears to be the dominant purpose of the entire abortion industry.

–

Discussion

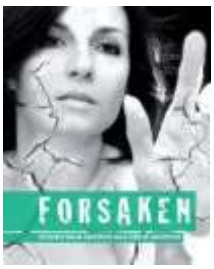
What this experiment does not demonstrate, is that the *de facto* British practice of eugenics by psychiatric abortion, the existence of which the experimental result demonstrates conclusively, is *intentionally* the practice of eugenics, on the parts of those working in the abortion industry. But, it might well be said that the *intention* of **sex-selective abortion** isn't to raise a future population in which there are (for example) more men than women. Nevertheless, that is the inevitable side-effect of an accumulation of individual decisions, in a cultural milieu that enables and tolerates such sex-selective abortion decisions.

Sex-selective abortion is technically unlawful, but the government is concerned that it is happening anyway. *Psychiatric* selective abortion, about which nobody I know of apart from myself seems to be in the least bit concerned, apparently accounted for about 49 out of every 50 legal abortions in England and Wales in 2011.

Link to the Abortion Act 1967

Mental illness, or mental illness risk to the mother, should be repealed forthwith, as one of the grounds for abortion permitted in the **Abortion Act**. That provision is quite obviously being abused, in order to perpetrate eugenics by psychiatric abortion. How else, besides repealing the enabling legislation, will we ever become able even to make a *start* at putting an end to this British practice of eugenics by psychiatric abortion?

If you or a loved one has been personally affected by any the issues raised in this blog post, you may find helpful one or more of websites that you can visit, by clicking on the logos below.



mind for better mental health | Rethink Mental Illness. | SAMARITANS

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For pregnancy and post-abortion support

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6 responses to "*Giving evolution a helping hand*"

Pingback: Anonymous Edit

Edd

Sunday 21st April 2013 at 23:34 Edit

Assuming this isn't satire, do the statistics say what you're claiming?

I thought ground C concerned the risk to the mother of injury to her physical or mental health caused by the pregnancy – not from any pre-existing genetic disposition to mental illness?

Reply

John Allman

Monday 22nd April 2013 at 11:26 Edit

Yes, it *is* true that 97.9% were psychiatric abortions.

Ordinarily, continuing an unwanted or unintended pregnancy poses *less* risk to a mother's mental health than having her pregnancy terminated. Lawful psychiatric terminations of unwanted or unintended pregnancies must therefore be being performed only upon mothers whom there is some special reason to suspect are at risk of mental illness.

Your minority hypothesis, if proven, that genetics doesn't after all play the role it is thought to play in causing mental illness, would merely provide an *additional* objection to eugenics by psychiatric abortion, namely that the eugenics would be *ineffective* in reducing the prevalence of mental illness in future generation.

(I may make a separate post later on, arguing that eugenics by psychiatric abortion is *wrong*. I will try to remember to include your own argument against the practice, along with any arguments I come up with myself at the time. In this post, I merely wanted to establish that eugenics by psychiatric abortion was *happening*. I wasn't, and am still not, expecting many comments that *defend* the practice.)

Reply

Pingback: Shopping for medical opinions | John Allman, UK Edit

Pingback: Bipolar sufferer in legal battle over abortion Edit

prayerwarriorpsychicnot

Friday 29th November 2013 at 23:46 Edit

A brilliant discourse but you forgot to factor in the risk of mental illness caused by actually looking after the child. Perhaps the mother should immediately have the baby adopted to preserve her own mental health?

Reply

JohnAllman.UK

BY JOHNALLMAN.UK | SATURDAY 13TH APRIL 2013 · 01:37 | EDIT

Thinking outside the botch

Follow @John_Allman

–

What should happen to a baby born alive after a botched abortion?

That is a question that has stirred passions in the USA recently, what with this one minute-long political TV ad

–

and this Planned Parenthood's represenatives testimony before a legislative committee (just under six minutes long)

–

and this gruesome news story, about a “house of horrors”, and the forthcoming murder trial of a medical doctor (just over 21 minutes long).

–

–

 **Maybe, “What should happen to a baby born alive after a botched abortion?” is the wrong question.**

–

The objective (other than *in extremis*) of the various procedures we call “abortion”, if I understand correctly, is to implement the *choices* of mothers who want to stop being pregnant, somewhat sooner than the natural ends of human pregnancies would happen anyway, usually the births of live human babies.

Click to visit a UK Pro-Choice website

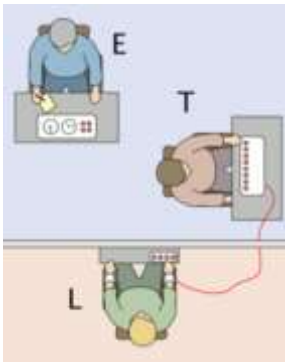
The objective is the *termination of pregnancy*. (The mothers are often said to have a "right" to "choose" this outcome for their own "bodies" because they are "women".)

For some reason, anti-abortion people often call themselves "pro-life", whilst the pro-abortion people refuse to call themselves "pro-abortion" (still less "pro-death"), but instead favour "pro-choice". I take it that the latter's sincere purpose is to emphasise the *true* objective of the abortion industry. The purpose of the abortion industry, apart from profit, is merely the *termination of pregnancy*, whenever a mother does not *choose* to continue her pregnancy to full term, and the law allows her that choice (or there is little chance of getting caught breaking the law).

Click to visit a UK Pro-Life website

Anti-abortion people object to abortion, not because they are spoilsports who resent the relief it gives the mothers from having to give birth to a full-sized, live babies, in a few months time. Nor do they object, because they are envious of the pay cheques of abortion industry workers. They object only because of something that has been viewed, until recently, as an unfortunate but unavoidable *side effect* of abortion, the *killing of unborn children*.

But the *purpose* of the abortion industry wasn't ever to kill the children, for the sake of killing them, was it? The deaths of unborn children have always been just a regrettable and unavoidable *side* effect of the crude methods of abortion used, and of *when*, during the courses of pregnancies, abortions are carried out.



In the third video above, the abortionist's staff, by all accounts on hundreds of occasions, found themselves holding or looking down at live babies who had survived their mothers' abortions. Sadly, these were always murdered, by the sticking of a pair of scissors into the backs of their heads, and the severing their spines. (It was easy to see that the victims didn't enjoy this manner of death.) The staff who did this, apart from when the man in the white coat did it

himself, presumably having the Milgram Experiment defence available that they were only obeying orders, all successfully plea-bargained their way down to guilty pleas of third degree murder, as far as I know.

Their boss, Dr Kermit Gosnell, whose questionable skills as a professional abortionist have made nevertheless him a millionaire (as well as a contender for the title of world's most prolific serial killer) has more to lose than his staff. He wants to enjoy his savings. Perhaps, for this reason, he is gambling with his own life, albeit with better odds of living to write his memoirs than his victims had of living to write theirs, once their mothers had walked through his clinic doors. (If the abortion didn't kill 'em, he'd make sure the scissors did.) Dr Gosnell is pleading not guilty to seven (specimen) counts of *first* degree murder, of seven of the babies he killed.

But what this tarnished African American role model seems to have stumbled upon accidentally, is actually a most fortuitous scientific discovery. It is possible, after all, to terminate unwanted pregnancies, *without harming the children aborted in the process*.

Click on the medal to visit the official Nobel Prize website

Once the technique of "botching" abortions is perfected, the mothers can cease to be pregnant (their *choice*), *without* this causing the deaths of their children. Mankind will be well on the way of solving the abortion problem, keeping *both* sides of the debate happy. The reluctant mothers and the pro-choicers will be able to keep their right to choose. The babies will be able to keep their right to life, which will please the pro-lifers no end. For making all this possible, Dr Kermit Gosnell could become the first person to win *both* the Nobel Prize for medicine, *and* the Nobel Peace Prize, all whilst being accommodated on Death Row.

Link to the Abortion Act 1967

Parliament originally allowed abortion up to 28 weeks. The law set a *maximum* age at which one could legally be aborted. That age limit has come down since then. And the age at which children can survive outside the womb, with suitable help, has come down and down and down over the years too. Recently a pair of twin boys survived after being evicted from the womb at only 23 weeks gestation, which is roughly 21 weeks after their conception.

In future, we should change the legislative approach completely, and set a *minimum* age for abortion, at say 24 weeks to be on the safe side, and only allow abortions to be performed using the brilliant "late term" techniques that Dr Gosnell pioneered.

Dr Joseph Mengele

What folly it would be to refuse to stand upon the shoulders of this ethical dwarf, but medical research *giant*. Why, it would be as churlish an example of "looking a gift horse in the mouth" as (say) refusing to use Dr Josef Mengele's valuable scientific research in Auschwitz (if he'd *done* any scientific research that was *valuable*, that is), in order to save lives.

Dr Gosnell should therefore not be executed (don't worry, in Pennsylvania he probably won't be anyway, unless he signs the consent form) until we have debriefed him. We need to paperclip this genius, before we let him die. (To learn about Operation Paperclip, please click on the image below.)

We need to learn the secret of his failure. For what, to him, was a failure, "Damn! Another scissors job!", if only viewed as the *success* it truly was, and built upon, will save millions of lives – 55 million in the USA alone since Roe v Wade. It will allow an outbreak of peace between the two presently warring factions, pro-life and pro-choice.

"Truth is found neither in the thesis nor the antithesis, but in an emergent synthesis which reconciles the two." [Georg Wilhelm Friedrich Hegel]

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3 responses to "*Thinking outside the botch*"

Yanica French Marshall
Saturday 13th April 2013 at 13:48 Edit

This was amusing and entertaining, since of course Gosnell did not pioneer any new techniques...we already know how to deliver a baby alive. But I did appreciate the novel and intelligent idea of a "minimum" abortion age...which would really be an "inducement, then adoption" age. If only our nation would implement it, how many lives would be saved!

Reply

kevin TI
Saturday 13th April 2013 at 20:42 Edit

Alex Jones has covered this just yesterday and describes how babies are being killed with scissors. This is MURDER.

Reply

Pingback: Shopping for medical opinions | John Allman, UK Edit

JohnAllman.UK

BY JOHNALLMAN.UK | SUNDAY 24TH MARCH 2013 · 01:16 | EDIT

Lost Brother (song lyrics)

These are the lyrics of a song I wrote over a year ago. When I sing it, I set it to a slow country and western tune, similar to the one for the song D-I-V-O-R-C-E that was performed by Tammy Wynette. (It was partly that song that gave me the idea for this one.) It's a song about a particular type of bereavement, and regret. The first chorus has alternative versions, for US and British audiences, respectively.

–

LOST BROTHER

My baby girl is three years old,
My eyes, her mummy's hair.
She doesn't know, must not be told
'bout her brother, who isn't there.

Her mum and I, we often cry,
'bout the days we met, in school
And we were blessed with a baby boy,
Who's daddy was a fool.

She's brought us joy, but I have cried.
My heart has been so torn
Because our son, her brother, died
Before our girl was born.

–

First Chorus

EITHER

He didn't live long.
He'd done no wrong.
We thought he'd have to go.

Oh how I wish I'd never heard
Of folks called Wade and Roe.

OR

He didn't live long.
He'd done no wrong.
To us he didn't seem real.
Oh how I wish he'd never been born …
… that MP, David Steel.

–

She's brought us joy, but I feel pain,
For the brother she'll never see.
I weep with shame that our son was slain.
Who killed him? It was me.

I'd hold my son like I hold his sister
If I had my time again.
I wish we'd stopped that A B O
R T I O N.

–

Second chorus

He didn't live long.
He'd done no wrong.
They tore him limb from limb.
No matter how many more children I have,
They'll all remind me of him.

–

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Postscript added at 2:10 a.m. on 8th May 2015, during the count of the votes cast in yesterday's election: Here too, for good measure, the lyrics of a blues song I wrote about eleven years before I wrote Lost Brother. Not a clichéd 12 bar blues, in this case. Chords for each 6/8 bar in C would be

C C E E

Am Am F#dim F#dim

C Am D9 D9 G (instrumental) Ab7 G [G+F+B'+Eb'+A" – a made-up sus-chord of my own, maybe properly called G7aug9?]

C C E E

Am Am F#dim F#dim

C Am D7 G6 C D9 G Ab7 G …

F6 F6 F#dim F#dim

C6 C Fmaj7 C

D D6 D6 D

G G Ab7 G …

Will I ever?

Twenty years I loved a woman who didn't treat me right
She wore my ring and bore my kids - why did she cheat and fight?
Oh Lord, will you ever let me love a woman again?
And when this wife divorced me and dragged me through that court,
The judge, he gave her everything my sweat and toil had bought
And Lord, I was so frightened I'd never love a woman again.

Four whole years I kept on working, tryin' to be a part-time dad
My face smiled on my children, but inside my heart was sad
Weekends the children came by, made mine their second home
But grief inside was ticking like an unexploded bomb.

Far away one summer on a street lined with women fallen
Your grace saved me from lust, Lord, but a different bitch was callin'
And offering other pleasures to a man who'd never love again.
This different kind of mistress, she didn't ease my pain
She took my cash and so much more - her name was Crack Cocaine
And soon I had to ask you, would I ever see my children again?

One evening in the fall that year I cried out in my shame
I begged you, Lord, for fellowship - you whispered someone's name
I summoned all my courage and called by at her place
I feared she might reject me, but a smile came to her face.

This woman loved my Saviour too; my love for her was pure
How come I lived so long, Lord, never feeling this before?
You pulled my life together and let me see my children again.
But tell me, Lord, just who am I? Mature, but still quite cool,
Or just an over-optimistic, middle-aged fool
To hope that such a woman might make of me a lover again?

She's beautiful and godly too, she loves to sing and dance
I guess I don't deserve her, but Lord, give me a chance
She maybe thinks that I'm not right to ever be her man
You know I cannot change her mind, but Lord I know *you* can.

Only you Lord know the answer; you've planned out all my life.
You know, Lord, that I'm loyal, how *well* I'd love a wife.
So Lord, won't you let me, one day, be a lover again?
Oh Lord, will I ever? Won't you say whether?
When will I ever? Please don't answer "never".
I said, Lord, will I ever, ever love a woman again?

A romantic song

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In "Children's Rights"

One response to "*Lost Brother (song lyrics)*"

Pingback: The Good Friday Agreement and the election that Jesus lost | JohnAllman.UK Edit

JohnAllman.UK

BY JOHNALLMAN.UK | WEDNESDAY 27TH MARCH 2013 · 17:08 | EDIT

The mumbo-jumbo of choice

"We can accept that the embryo is a living thing in the fact that it has a beating heart, that it has its own genetic system within it, it's clearly human in the sense that it's not a gerbil and we can recognise that it is human life... but the point is not when does life begin but when does it actually start to matter."

–

[*Ann Furedi, Chief Executive of the British Pregnancy Advisory Service, major abortion service provider*]

–

 Follow @John_Allman

–

I was asked, yesterday,

"Are you saying that both the pro-life and pro-abortion lobby engage in 'mumbo-jumbo'? "

–

Yes. That was *exactly* what I had been saying. *Both* lobbies are guilty.

–

Beyond a doubt, some members of the pro-life lobby *do* engage in what others will inevitably see as quite outrageous mumbo-jumbo, and rightly so. The pro-choice lobby do not recognise their own mumbo-jumbo, which is more carefully concealed. Even those who actively believe in the pro-choice mumbo-jumbo, seem blind to the fact that what they believe in, is actually just a different kind of mumbo-jumbo.

–

A tale of two demos

–

I have recently watched on video two sets of demonstrators in London, confronting one another. On one side of a barricade guarded by police, there was an angry, howling, jeering, guilty-looking mob, who didn't seem to show any understanding as to why they were in the wrong. On the other side of the barricade, there was a quiet, seemingly dignified, but

ultimately misguided and embarrassing, procession of self-righteous-looking religious zealots, who didn't seem to understand why they were in the right.

–

The processing pro-lifers were slowly advancing in an ultra-slow march, taking baby-sized steps forward every few seconds, fiddling with their worry beads, and muttering mechanically and in unison their apparent attempts to communicate with a dead woman, albeit, by all accounts, the one woman in all history, most blessed amongst womanhood, who most assuredly died "in sure and certain hope of the resurrection", if anybody ever can.

–

Some of them were holding sentimental pictures, which they probably fantasised might have looked a bit like this heroine of theirs might have looked herself, during her lifetime. They apparently imagined that she could hear them all speaking to her at once, in her grave, and countless millions of others, all speaking to her at once in their different languages. Perhaps they hoped that she might be willing to send her ghost to haunt the rabble, and scare them into to changing their minds about abortion? Or maybe they were talking to her, fantasising that she had somehow turned into some kind of *goddess*, who could listen to them all, and do all sorts of unexpected things beyond their wildest dreams, to save the boys and girls whom the abortion industry had been killing for nigh-on half a century?

–

I felt alienation from both of the two groups, and equal horror of both, and equal pity for both.

–

The "pro-life" were wearing their mumbo-jumbo, like a uniform of which they were proud. The other group seemed diverse. But all of the other group had, so-to-speak, the same pro-choice mumbo-jumbo underwear on, under their rainbow-diverse, people-together, outer

clothing. How do I know this? Because I have debated before with pro-choice people, and I know where the argument always comes to a grinding halt eventually – whenever one confronts the pro-choicers' own subtly hidden religiosity with hard science.

–

What is this alleged "mumbo-jumbo of choice"?

–

Every single pro-choicer relies upon a deceptive, unevidenced, dualistic doctrine, in order to "refute" (in their dreams!) the rational, scientific, legal, philosophical, secular and utterly *indefeasible* argument against decriminalising elective abortion (other than *in extremis*). That argument can begin (for example) with the Article 2 human right to life of the human victim of every abortion, or (for the sake of the intellectuals) it can begin with wearing the "veil of ignorance" in the "original position".

–

In every single case, the pro-choice lobby members deny the unborn, or at least *some* of the unborn, the right to life, because of a superstitious belief that every one of them holds, in one form or another. A superstitious belief in a wholly unscientific piece of mumbo-jumbo that, fifty years ago, one might have imagined had died out in the middle ages, apart from vestiges still lurking in the world religions of Islam, Buddhism, Hinduism, to name but a few, but not contemporary Christianity.

–

What is this superstition that pro-choice people believe in? Why, it is none other than the biological fiction that man is a ghost who lives inside a machine. He begins life as a machine *without* a ghost in it, they believe, and, at some subsequent point in time, as if by magic, suddenly *acquires* a ghost, by some undefined process or other, that could (I suppose) be described as "supernatural".

–

This fiction is called "ensoulment", the hypothesised process or event by which the "soul" "enters" the "body" of a human. Of course, there isn't a shred of scientific evidence to support the existence of the ensoulment phenomenon, and nor will there ever be. The very "hypothesis" that ensoulment occurs, does not pass muster, as a testable *scientific* hypothesis. And yet, it is upon exactly this unscientific hypothesis, that the

entire abortion industry depends, along with a modicum of selfishness, and the ruthless exploitation of the vulnerable, for our continued toleration of the merciless slaughter that the abortion industry inflicts upon countless millions of innocent humans every year, humans whom America's rebels against king George once held to be our *equals*, *self-evidently*.

–

How is this deception perpetrated?

–

The deception that blinds many to the reality, lies in the modernisation of the original mediaeval language of this ancient mumbo-jumbo. For example, the word "soul" is replaced by the word "personhood", so that classical ensoulment should be renamed "enpersonment", I suppose, for modern ears.

–

But, no matter how they might try to dress it up as something different, like the wolf dressed as Little Red Riding Hood's granny, the pro-choice superstition remains the same antiquated, and in the present century *anachronistic*, mumbo-jumbo that it always was, for all this disguising of it as something more sophisticated and modern than what it really is.

–

Any scientifically-trained biologist will laugh the entire concept of ensoulment out of court, as being every bit as unreal as the Philosopher's Stone, the Luminiferous Aether, the Flying Spaghetti Monster, or Russell's Teapot. It is one of those quasi-propositions that has no operational meaning in science, since it is simply impossible to devise a scientific experiment to measure when this supposed "ensoulment" event occurs. That is why each pro-choicer feels he or she is at liberty simply to invent his or her own idiosyncratic beliefs, as to when ensoulment occurs, conferring upon the unborn human, for the first time in his or her existence, the human right to life that his or her elective abortion would infringe. Whatever guess he or she makes as to when this mythical ensoulment event occurs, is as incapable of being proven, or disproven, scientifically, as anybody else's guess.

–

Or you may, instead, come across a linguistic sophistry that is worthy of any General of the Society of Jesus himself, even Ignatius Loyola, the first such General. You may hear it said, often smugly, as though the *non sequitur* asserted is all that is needed to put you in your place, that a being who is human might nevertheless somehow not be a "human being" *yet*. This oft-encountered approach to disguising illogicality as sophistication is somewhat reminiscent of the Star Trek cliché "This is life Jim, but not as we know it."

–

But however the leap of faith in the pro-choice argument is disguised, it always boils down to the same old nonsense, and it is just as much mumbo-jumbo as fiddling with prayer beads or talking to the dead. However, it is nowadays responsible for the deliberately-inflicted deaths of even more innocent civilians, at least in Europe and the Americas, than the more easily recognised mumbo-jumbo that some pro-life people still seem to be hell-bent on wasting their time on, poor fools..

–

So how can pro-life win?

–

Some pro-lifers like a bit of mumbo-jumbo themselves, but the pro-life argument itself is better off without *any* of it. If only a strict "no mumbo-jumbo allowed" rule could be imposed and enforced, pro-lifers would win their arguments against pro-choicers hands down, every single time. Except: you can seldom actual "win" an argument against a pro-choicer. As soon as one gets close to exposing the flaw in the pro-choice argument, by drawing attention to the mediaeval mumbo-jumbo behind it, the dialogue tends to stop abruptly. Or else diversionary tactics are used. Or so I have found, in my considerable experience.

–

–

I am indebted to Andy Stephenson, of Abort 67, for sourcing the quotation of Ann Furedi at the beginning of this posting, and for implanting in my mind the "thought bomb", that exploded into this posting, when he wrote as follows, in Brighton newspaper The Argus, on 23rd February 2013,

–

Abort67 is supported by people of faith and no faith. ...
Our case that the pre-born are human and alive from conception ... is made using scientific evidence.
Our argument can be used by religious and non-religious persons.
Is the only way for pro-aborts to defend their position to accuse us of being "just religious" ... ?
It is ironic that they accuse us of being religious when we rely fundamentally on a scientific case,
but those who support abortion end up relying solely on metaphysics.

–

It's only a cluster of cells, isn't it?

Well isn't it???

(Click on the picture, to see the truth, if you dare.)

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In "April fool!"

42 responses to "*The mumbo-jumbo of choice*"

kevin

Wednesday 27th March 2013 at 22:35 Edit

hi john hope you are well
i think there is a strong link between governmental think tanks , and the thought conditioning[television media] of acceptance of casual termination of an unborn baby.along with the promoteing of gayness in schools, this must have a distinct effect on future populations,i belive this ties into a depopulation agenda
THEY CAN KEEP THEIR BRAVE NEW WORLD.
KEV T.I. GATESHEAD UK

Reply

John Allman

Thursday 4th April 2013 at 19:24 Edit

Good to hear from you, Kevin. If there is another topic you'd like to discuss, apart from gayness, which is mentioned on this blog already, please click on the "Have Your Say" tab at the top of the page, and post any suggestions there. Or email me, any time.

I hope all is calm on the northern front, though I won't be surprised if you tell me it isn't.

"THEY CAN KEEP THEIR BRAVE NEW WORLD" [Kev]

"Modern life is rubbish." [Blur]

Reply

Paul

Wednesday 3rd April 2013 at 09:29 Edit

What a load of bull, "Every single pro-choicer"? You've spoken to them all? How about the idea that some of them just believe in choice? That some of them have thought long and hard about a balance between the rights of the woman and the rights of the unborn, that they have considered based on scientific evidence the potential suffering of the unborn rather than just plucked a date from a hat for the ensoulment as you put it? Why do both sides of the pro or anti debate have to come down to religion/superstition for you? Are people in your narrow mind not capable of making a decision based on scientific evidence or having moral values which aren't dictated by some bizarre faith?

Reply

John Allman

Wednesday 3rd April 2013 at 18:34 Edit

Every single pro-choicer I have come across so far, has resorted to the type of argument I characterised, *once they have understood, and tried to respond to, the non-religious argument against abortion*. I guarantee that you will do exactly the same, if you don't wimp out first. (I'll point it out to you when you do that.)

Here is the argument you have to answer. In any balancing of a mere right to make personal choices, with the right to life itself, the right to life trumps any right to choose. Or, to put it another way, killing another person, isn't a legitimate choice to make.

"How about the idea that some of them just believe in choice?", you ask.

Do you "just believe in choice" yourself? I doubt it. If somebody killed your loved one, and his defence lawyer said that this wasn't a crime, because the killer made a *choice* to kill your loved one, would you "just believe in choice" then? Of course not. How is the action of an abortionist any different from this hypothetical killer of your loved one, *morally*?

Forget about what the law says, for a moment, in the Abortion Act. Think *deeper* than that. Not, how is the abortionist's act *legally* different. How is it morally different? Think about what the law *should be*, and *why*. About how you would vote, if you were an MP, with the chance to decide what the law *would* be, and how you would *justify* your decision.

As I have said, pro-life doesn't need religion or superstition to make its winning argument. All pro-life needs is the relevant *science* – biology (as exemplified in Ann Furedi's quote at the beginning of my posting), the idea, surely uncontroversial nowadays, that *the right to life* is recognised as a "human right" that all *humans* have merely because they are human, and the idea of the *equality* of all humans, that there is a sense in which nobody is more important than anybody else. Science, human rights and equality, the three foundations of the pro-life argument, are the touchstones of our civilisation. They are secular values, not religious values.

The foetus killed by abortion is the *equal* of his or her mother, and of any one of the team of health professionals (or, in this case, *death* professionals), who choose to perform the abortion that the mother chooses to request. Choice is no defence to this homicide, any more than to any other.

The only side that needs religion or superstition, is the "pro-choice" side. Without resorting to religion or superstition, pro-choicers have no answer – and *you* have no answer yourself – to this pro-life argument based on science, the human right to life, and the equality of all humans.

My decision to be pro-life is based on the scientific evidence. Your counter-argument, when you manage to think of one, *won't* be based on scientific evidence. It won't mention any scientific evidence at all, or it will purport to draw conclusions that are not logically derivable from the scientific evidence, consistently with upholding human rights and equality, or, like every other pro-choicer's argument, it will rely on the same old non-scientific mumbo-jumbo that every other pro-choicer I've encountered has had to resort to. Prove me wrong, if you can. (You won't be able to.)

Or wimp out. That's fine, if you recognise that you're beaten.

Reply

Edd

Thursday 4th April 2013 at 18:13 Edit

Why do you regard personhood as mumbo-jumbo?

A zygote is not a person in any relevant sense of the word, unless you wish to make a mockery of the concept. We may disagree about what precisely constitutes personhood, but surely not about the fact that a zygote is not itself a person? When precisely it becomes a person may perhaps be impossible to answer in a way that is not in some sense arbitrary, but there need be nothing metaphysical about the transition – in the same way that there's nothing profound about how many hairs a man has to have lost before you can call him bald.

Relatedly, your appeal to human rights is I think confused. See Article 1 of the Universal Declaration of Human Rights:

"All human beings are born free and equal in dignity and rights.They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

First of all they are born free, not conceived free (according to the Declaration, but then you've referenced the ECHR as one of the grounds of your case against abortion, which is explicitly based on the Declaration anyway). Second of all, a foetus is not endowed with reason or conscience or the ability to act, let alone to act towards another human being.

After the first article, all others use the words 'everyone', 'no one' and 'person(s)'. 'Everyone', by common acceptation, means 'every person'.

So, human rights are not granted to human beings by virtue of being human. Rather, they are granted to human beings by virtue of being persons. (To this extent they are somewhat of a misnomer.) If they are granted to persons then they cannot be granted to foetuses unless foetuses are persons too.

Your position then faces the following dichotomy:

Either argue that (all?) foetuses are persons too, in which case you must also tell us why a gamete is not a person but a zygote is – without resorting to metaphysical claptrap, remember.

Or you may argue that human rights should be granted to all humans by virtue of being human. – But why? You must then explain why being human is of itself a morally relevant quality.

Reply

John Allman

Thursday 4th April 2013 at 18:37 Edit

And where is the *science* on which you base your personal belief that human beings only become "persons" at some subsequent point in time, some considerable time *after* they begin to exist as distinct, individual human beings in their own right? If there isn't any science to back it up, then in what way isn't your personal belief that there is "something else" (so-to-speak) just "mumbo-jumbo"? To me, and even objectively, your doctrine looks just like old-fashioned "ensoulment" by another name. Yes, it *is* metaphysics. That's *all* it is. You'll have to do better than that, I'm afraid.

The linguistic distinction you would like to make between the archaic language in the UN declaration, "born equal", and just the word "equal" on its own (implying conceived equal), is not properly construed in modern times as an intention on the part of those who drafted the UN declaration to assert that humans only attain equality with other humans *at birth*. "Born equal" no more negates "conceived equal", than the archaic language of the US declaration, that "all men are created equal", is properly to be construed as embodying an assertion that boys only become equal to men, in the intended sense of the word "equal", upon reaching the age of majority, or an assertion that women are not equal to men, or, for that matter, as a religious statement that humanity is "created" by a creator god, as opposed, for example, to humanity having evolved, as many nowadays believe.

A gamete is not a human being, however, as you very well know.

You confuse the subjective and the objective. If any of my five surviving children died, now that I have got to know them all personally and "bonded" with them, I would be more upset than I was when (say) the baby my partner was carrying died a natural death in her womb, very early in her last pregnancy. That is because, *subjectively*, they have become more important than the one who died became before he or she died, *to me*. I would *grieve* for them more than I did for him or her, because they are people I have known for years and loved in a practical way, and in whom I have more invested. But, speaking *objectively*, the child who died in the womb, was just as important as the children who are still alive today. Science deals in objective truth. The opinions that you are expressing, are based upon extrapolating your subjective values to make them into a general rule that can be imposed on others, not least the unborn members of the next generation, whom your dangerous opinions place in mortal jeopardy.

I stick by what I said. It is possible to base a pro-life argument on science, without resorting to mumbo-jumbo. It is impossible to construct a pro-choice argument, without resorting to mumbo-jumbo, that is merely an extrapolation of subjective feelings that pro-choice people have, or lack.

Reply

Edd

Thursday 4th April 2013 at 19:05 Edit

My beliefs aren't important here yet – we can discuss them afterwards if you'd like. I'm challenging your position.

You must either agree that a zygote is not a person, or you must explain why being human is a morally relevant quality. Otherwise your argument is nonsense.

Reply

John Allman

Thursday 4th April 2013 at 20:21 Edit

@ Edd

"My beliefs aren't important here yet – we can discuss them afterwards if you'd like. I'm challenging your position."

I thought you *were* stating *beliefs* of yours, when you wrote,

"A zygote is not a person in any relevant sense of the word, unless you wish to make a mockery of the concept. We may disagree about what precisely constitutes personhood, but surely not about the fact that a zygote is not itself a person? When precisely it becomes a person may perhaps be impossible to answer in a way that is not in some sense arbitrary, but there need be nothing metaphysical about the transition …"

Let's take a step backwards, then, to the opening sentence of your previous message, when you wrote,

"Why do you regard personhood as mumbo-jumbo?"

Because you don't explain what the term means, as distinct from a human. As you use the term personhood, whatever you mean by the term, which you don't specify, it doesn't mean a human. There's no science in there. Nothing observable, or measurable, about the entire hand-waving appeal to blind faith.

There is no event that a biologist can view through a microscope, filming it at the same time, and then play back the recording to a fellow biologist, who will exclaim in joy, "That's it, Edd! I think you've actually captured the moment when a human organism became a person! You'll get a Nobel prize for this!" There is no test or experiment that science can devise, which can measure in which of two possible states an organism is at any given time, personhood, or pre-personhood.

That is my "position". You have come nowhere close to "challenging" it.

That pro-choicers cannot refute, using arguments based upon the scientific method, the human right to life, and the equality of all humans, or any other axiomatic, core, consensus values of modern society, *and without resorting to mumbo-jumbo*, the pro-choice argument that is based upon the scientific method, the human right to life, and the equality of all humans, *and nothing else besides*.

Moslems (for example) can attempt to justify abortion, up to a certain age, by pointing to verses of the Koran that teach their doctrine as to when ensoulment occurs during foetal development. Modern, secular, scientifically-minded people cannot justify abortion without resorting to exactly the sorts of arguments that, ordinarily, only religious people (such as Moslems, in the example) resort to, and which modern, secular, scientifically-minded people typically reject and ridicule. Pro-choicers resort to religious-like arguments, just as you have done.

Postulating that an unmistakeably metaphysical process or event occurs in nature, the acquisition of an undefined "personhood", and then adding hopefully that "there's nothing metaphysical about" that postulate, just doesn't wash.

Of course, you could define "personhood", as the entitlement not to be aborted deliberately. But that would leave you with a circular argument, which is no argument at all.

Reply

Edd

Friday 5th April 2013 at 09:22 Edit

As I see it there are three topics in play here:

(1) Your criticism of pro-choice arguments;
(2) Your pro-life argument;
(3) My beliefs or arguments.

As regards (3) I concede that I was making some positive statements in an earlier reply. If you'll permit me to recede a little, I think it best to try and stick to just one of the above (even if they will inevitably bleed into each other – especially (1) and (3)).

I am most interested in (2) as set out by you in your reply to Paul above and parts of your comments to me. If you are willing I propose to start with that.

Is this acceptable?

Reply

John Allman

Friday 5th April 2013 at 11:39 Edit

Carry on.

Reply

Edd

Friday 5th April 2013 at 13:23 Edit

Good stuff.

As I understand it, and correct me if I'm wrong, your argument is something like:

(i) All human beings have a right to life.
(ii) A zygote is a human being.
(iii) Therefore a zygote has a right to life.
((iv) Therefore abortion is wrong.)

The problem is that if the terms 'human being' and 'person' are non-synonymous then (i) has not been established.

Why is the mere membership of a particular species a morally significant consideration?

Reply

John Allman

Friday 5th April 2013 at 15:02 Edit

"Why is the mere membership of a particular species a morally significant consideration?"

Membership of the *human* species, is what confers upon a *human*, his or her *human* rights, such as the right to life, which is pretty much the only human right that you or I were able to exercise, when we were still only zygotes ourselves.

"The problem is that if the terms 'human being' and 'person' are non-synonymous then (i) has not been established."

I think some explanation of what the dickens you mean by that sentence is definitely needed on your part. Until we get that from you, the sentence just sounds like the mumbo-jumbo to which I predicted you would resort. *You* are the one introducing this extra term "person", potentially meaning something different from "individual human" (or so you suggest), but without saying what the term "person" you have introduced actually means.

Reply

Edd

Friday 5th April 2013 at 16:21 Edit

I could have left out that one mention of 'person'. It's not relevant to what I asked. The point is still that the statement "All human beings have a right to life" is not established.

But why do all human beings have a right to life? Why is the mere membership of a species a morally significant consideration?

Your response that "Membership of the human species, is what confers upon a human, his or her human rights" doesn't answer the question at all. It merely restates what is being queried.

To put it another way: why does being human mean that I have the right to life?

Reply

John Allman

Friday 5th April 2013 at 19:13 Edit

"Why does being human mean that I have the right to life?"

Because the right to life is a *human* right.

Reply

Edd

Friday 5th April 2013 at 19:27 Edit

Why is the right to life a human right?

Reply

John Allman

Saturday 6th April 2013 at 00:19 Edit

"Why is the right to life a human right?"

The right to life to which I have always intended that readers (such as yourself) should understand me to be referring, whenever I have mentioned the "right to life", carelessly forgetting to stick the word "human" in front every time, is the well-known *human* right to life, mentioned (for example) in Article 2 of the European Convention on Human Rights. Do you perhaps have in mind some *other* right to life, in humanity's anthropocentric jurisprudence, of which I have yet to learn, perhaps extending to other species, to which perhaps more comprehensive right to life you mistakenly supposed that I was referring on the occasions of these lapses of mine in precision?

Reply

Edd

Saturday 6th April 2013 at 01:32 Edit

I don't suppose anything, which is why I ask the questions above, questions you have so judiciously avoided answering. It matters not what the Convention or Declaration says (though I admit I have previously referred to them, albeit for other purposes) or what the common understanding is.

What is your understanding John? Apart from the de facto of the Convention, why should humans have a right to life?

Reply

John Allman

Saturday 6th April 2013 at 02:50 Edit

My "understanding" is that we humans shouldn't kill each other. If I was a judge, with somebody in front of me whom the jury had found guilty of murder, on whom I was obliged to pass sentence, I just wouldn't know how to answer his question, if he asked, "But why *shouldn't* I have killed him, if that was what I *chose* to do?" Apart from asserting feebly that killing other humans was obviously wrong. The court staff could drag him down to the cells, with his life sentence, for all I cared, kicking and screaming and protesting that I hadn't *explained properly* why killing other humans was something he had to be locked up for doing himself, maybe for the rest of his life, if he wasn't granted parole, without my feeling guilty.

Because so many people – the vast majority of people – agree with this simplistic assumption of mine, that killing our fellow humans is wrong, it is a value judgment that can be said to be "conventional" so-to-speak. The "human right to life" cliché, is just one way of putting this conventional thought, in a great big thing called a "Convention", that, in the UK, is honoured in The Human Rights Act.

If you like, we can explore the "veil of ignorance" argument, that I said was for the intellectuals. I've never done it before, and I don't suppose you have either, but we can both have a bash at it.

But first, do *you* actually think we all ought to be *allowed* to kill each other willy nilly? And if not, *generally*, then what is your special reason for wanting to make an exception, when the human that is being killed is still only little?

Reply

Edd

Saturday 6th April 2013 at 16:52 Edit

It is of course absurd for a judge to have to answer your convict's question. The judge (at least the trial judge – appeal court justices are a different matter) is not there to ponder philosophical questions, he is there to administer the law as is.

But we are not in a court. We are engaged precisely in a discussion about morals, and that requires that we ask questions of ourselves that perhaps ordinarily we would not. You have acknowledged as much in your response to Paul above:

"Forget about what the law says, for a moment, in the Abortion Act. Think deeper than that. Not, how is the abortionist's act legally different. How is it morally different? Think about what the law should be, and why."

Exactly, I say. The law – here, in this discussion – is beside the point, as is the fact that the vast majority of people might think this or that about the issue. That something is or isn't 'conventional' is no guarantee of its rightness or wrongness, and to appeal to such convention

simply doesn't cut the mustard when I'm asking you to think deeper than that and justify your stance on the right to life in relation to humans.

(Incidentally, if it's permissible to appeal to convention, then can I not say that because so many people agree that nobody chooses their sexuality, we can therefore, for our purposes, assume that nobody chooses to be gay (or straight, or whatever)? Is this double standards from your quarter?)

Nevertheless, I can see that you're not going to answer the question I have posed. This is a fundamental weakness in your pro-life argument, which will not stand if it is not remedied. If you cannot explain what is so special about human beings that warrants their being granted the right to life, then you cannot – beyond mere arbitrary declaration – satisfactorily claim that zygotes also have the right to life. Your position reduces to childish fiat:

"Zygotes have the right to life."
"Why?"
"Because they are human."
"Why do humans have the right to life?"
"Because I said so."

I might just as easily claim that all pine trees have the right to life. Why? Because they are pine trees. (Moreover, all of my numerous tree-hugging chums say so too.)

Of course the mere fact that as it stands your pro-life argument fails doesn't mean that the pro-choice arguments win the day by default, and it is to these that I turn now in answer to the question you have asked:

"do you actually think we all ought to be allowed to kill each other willy nilly? And if not, generally, then what is your special reason for wanting to make an exception, when the human that is being killed is still only little?"

Obviously I don't think we ought to be allowed to kill each other willy nilly. Where I differ from you is in the reason for that ought. Killing a person – there's that word again – is wrong not simply because they are a member of the human species. The accident of being human is not a good enough reason; it is arbitrary.

In fact, I suggest that most would actually agree with me about that. They will, I think, acknowledge that there must be some reason more than simply being human that makes it wrong for us to kill each other (even if that reason is as unsatisfactory and question-begging as "because human beings are special", at least it acknowledges in insufficiency of what you have been saying hitherto). As highlighted in an earlier response, the framers of the Declaration recognised this explicitly, in the first Article:

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

They didn't mean that every single human being is endowed with reason and conscience, surely. Human zygotes are certainly human beings, but just as certainly they are not yet endowed with reason and conscience. (Do you deny it?) This endowment, at least as far as the Declaration is concerned, is that 'something more than simply being human'.

Now, as we know, there is no probative value in the mere fact that this or that Charter says such and such, or in how many people endorse it. But there is, I contend, something morally significant in what is there laid out, insofar as it goes further than the base assertion of species membership. Perhaps it is not yet complete or fully coherent, but it will do as a start.

"endowed with reason and conscience"

Something like this could be what gives human beings a right life. Zygotes are not endowed with reason or conscience. Therefore zygotes don't have a right to life (or any other rights). That is, reason and conscience could be morally significant qualities that entitle bearers of them to special consideration above other beings.

Would this be to resort to mumbo-jumbo, as you are so fond of charging? Certainly not. The fact that one cannot pin-point when precisely a thing attains the qualities of reason and conscience does entail that there is anything mystical about the process. All that is necessary is to be able to identify in clear cut cases those beings that assuredly don't have these qualities and those that assuredly do, even if there is a substantial grey area between in which it is not possible definitively to identify one way or the other.

Consider the following farcical example:

– Only human beings that are bald have the right to life.

Note that no matter how stupid this suggestion, we can still use it to assign a right to life, and, importantly, without any so-called mumbo-jumbo. The reason we can do so is because we can readily identify a human being as bald or not bald. Sure, there is a substantial grey area where it will be impossible to judge one way or the other (unless we take 'bald' to mean 'completely hairless'), but that doesn't mean we can't do it in clear cut cases.

Yet there is no science in there. Nothing observable, or measurable about it. There is no event that a scientist can view through a microscope, filming it at the same time, and then play back the recording to a fellow scientist, who will exclaim in joy, "That's it, John! I think you've actually captured the moment when a human became bald!" There is no test or experiment that science can devise, which can measure in which of two possible states an organism is at any given time, bald, or pre-bald.

Does that mean the concept of baldness is mumbo-jumbo? Does that mean there must of necessity be some definite point at which a person magically attains the revered status of 'bald'? Obviously not!

As it is with baldness, so it is with reason and conscience possession. A being may acquire a quality by increment and only be a fully worthy bearer of that quality after a substantial number of such increments. It is no detriment if we can't define by what process that incremental accumulation occurs, nor does it necessarily and unmistakably have to be metaphysical thereby, so long as we can identify clear cut examples at either end. The problem is semantic, not scientific.

Ok. So, a possible reason why beings have the right to life is because they are endowed with reason and conscience, and that is why it is not a violation of a zygote's rights to kill it.

Perhaps we will find that possession of reason and conscience aren't morally significant after all. Perhaps it is the ability to feel pain, or to be conscious, or to have preferences, or something else. I don't know which, if any, of these I would subscribe to yet. The point is that there is some quality that some beings have that is morally significant enough to explain why those beings who have it may be granted the right to life and those who don't may not.

I'm sure I won't have convinced you of this, but I am equally sure that it is a better answer than "just because".

Reply

John Allman

Sunday 7th April 2013 at 00:04 Edit

"Obviously I don't think we ought to be allowed to kill each other willy nilly."

Why not? What is "obvious" about that, to a man who apparently isn't willing to hold any "truths" to be "self-evident", as the American rebels once put it, or for the reason for any of his moral values to be "just because" (a phrase I didn't actually use). "Self-evident", "just because" and "obviously" are just different ways of expressing the same basic idea, are't they?

"Zygotes are not endowed with reason or conscience"

Is that it? Is that your latest apology for an argument? Who do you think human zygotes are, exactly?

In what special sense were any of us not *already* "endowed with reason and conscience", even when we were *that* small? Are *you*, who used to be a zygote, "endowed with reason and conscience" now? Yes? So *when* do you suppose you became endowed with reason and conscience? *How* did you become endowed with reason and conscience?

How much of his or her endowment of reason and conscience do you think a baby is able to exercise, when he or she is only a fortnight old? Do want bigger humans to have the right to choose to kill *them* too?

If you had been in a coma, for 76 weeks, am I allowed to stab you through the heart, because, for this long, you have been *unable* to exercise your endowment of reason and conscience? What's the moral difference between your vulnerable 76 weeks in a coma, before waking up one day (provided I don't stab you first), and gradually recovering fully over the next few months your ability to exercise your endowment of reason and conscience, and the vulnerable 38 weeks or so of your life so far that you spent in your mother's womb?

Ultimately ethics is neither science, with laws of nature proven by experiment, nor mathematics, with theorems proven by tautology. In ethics, absent divine revelation, which will be apt to have its gainsayers however spectacular the manner of the revelation, the best we can do, in *ethics*, is to show consistency or inconsistency in our various approaches to an entire set of thought experiments, or real-life dilemmas, with the same subject matter and issues at stake.

You admit that it is "obvious" that we shouldn't be allowed to kill each other "willy nilly". But, *inconsistently*, you make up your own arbitrary exceptions to this "obvious" general rule, on a case by case basis, as you go along, clutching at straws in your successive vain attempts to dream up some rule or other that you mistakenly suppose that you are applying *consistently* to every case. Lately, you have struggled to avoid resorting to the usual mumbo-jumbo that I blogged about, but even you tried to get away with that mumbo-jumbo at first.

Your latest proposed rule (about which I say that it remains a moot point whether it is mumbo-jumbo or not), is incapable of being applied consistently, unless (frankly) you are content to be smothered in your sleep, any night of the week. (Provided, that is, that it isn't the shallow REM sleep during which people dream dreams in which they sometimes experience, to some extent, the reason and/or the conscience that they experience whilst wide awake.)

I am consistent. You are inconsistent, so far. I hope you can see that.

Have another try, why don't you? "Endowed with reason and conscience" doesn't work, because zygotes are indeed *already* "endowed", just not yet able to *exercise* their endowment of reason and conscience. Nor are foetuses, *so far as we know*. Being *presently able* to *exercise* one's by-now fully developed endowment with reason and conscience doesn't work either, unless you want babies to be fair game a fortnight after birth, or to be smothered in your sleep yourself.

Keep trying, if the mother's right to choose to kill certain other humans is so important to you that you simply must win this argument, and you can think of another tack to take. Maybe you'll be the first pro-choicer to dream up an ethical rule that can be applied consistently, to produce the desired result (the woman's right to choose), that isn't laughably arbitrary and irrational (like bald-headedness), which doesn't have unwanted side-effects (like your getting smothered in your sleep with impunity), and which doesn't sound *too* much like mumbo-jumbo.

Of course, if you watched the video, at the end of the "Dare to see" link at the end of my blog post, you might stop wanting to try to come up with something – *anything*. You might instead change your mind, and join the much-maligned pro-life "loonies". You wouldn't be the first. Have you taken a peek yet? Dare you?

You seem, wisely, to be trying to distance yourself lately, from "the mumbo-jumbo of choice" mentioned in the title of this blog post. I won my "bet" though, so-to-speak, because you did try mumbo-jumbo at least once, and you'd probably slip into it again, if did you try to answer my earliest rhetorical questions here. If you don't drop out, and instead become enlightened enough to join the pro-life side, please don't embrace any of the unnecessary mumbo-jumbo by which certain pro-life people make the rational pro-life argument unattractive. It gives me the creeps too.

No pine trees were harmed during the making of this comment.

Reply

Edd

Wednesday 10th April 2013 at 15:39 Edit

"Who do you think human zygotes are, exactly?"

I don't think human zygotes are anybody, in the same way that a human skin cell isn't anybody. Zygotes are merely single cells formed by the union of two gametes. A human skin cell is not endowed with reason either, and there is nothing controversial about that.

I repeat then: zygotes are not endowed with reason or conscience. A zygote is merely a cell. For a being to be endowed with reason and conscience it must have, at the very least, the thing which so endows it – a developed brain. (Sleeping and comatose people are, therefore, endowed with reason and conscience.) If something may be endowed with reason and conscience without having a brain, why not extend these faculties to trees, or amoeba?

"when do you suppose you became endowed with reason and conscience? How did you become endowed with reason and conscience?"

I have already explained in my previous response why I don't think I need to answer these questions. To reiterate: it doesn't matter when or how one comes to be endowed with reason and conscience so long as we can recognise clear cut examples of beings that exhibit these qualities and beings that do not – because in that case, no matter how the process

happens or when it is sufficiently progressed, at least we know that it does indeed happen. In terms of abortion, so long as we set an age safely before the being in question might exhibit reason and conscience (i.e. before the brain is sufficiently developed) as the latest date for any proposed termination, then the questions when or how precisely one comes to have them don't arise.

"How much of his or her endowment of reason and conscience do you think a baby is able to exercise, when he or she is only a fortnight old?"

This is a good question. Nobody knows, though I understand there is some tentative evidence that pre-verbal babies are able to reason. That is why we might set the latest date for abortion safely before the foetus' brain has developed and therefore safely before it might be able to reason or have a conscience.

———

"Dare you [watch the video linked at the end of the original blog post]?"
I did watch the video, yes, even before my first comment on this blogpost. It is an appeal to emotion, and proves nothing. Shocking it might be, but logically speaking it neither helps nor hinders the pro-life argument.

Reply

John Allman

Wednesday 10th April 2013 at 18:24 Edit

"zygotes are not endowed with reason or conscience"

Presumably, this a hark-back to the Universal Declaration of Human Rights, Article 1, which reads, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

So what? The declaration itself contains a fair amount of undefined, poetic language that is arguably just Something Understood-style mumbo-jumbo. The declaration is not designed for *exegesis*, as though it were the infallible scripture of a fundamentalist world religion, by which the United Nations hoped one day to unite men in all nations, under a single, humanist, worldwide hegemony, a new world order that no theocratic imperialism has ever been able to impose. (Or, not *necessarily* so.) Please let us not become bogged down in semantic arguments about the true, intended, or figurative or literal meanings of words like "free", "equal", "dignity", "endowed", "reason", "conscience", "spirit" or "brotherhood"

"A zygote is merely a cell."

There is nothing "mere" about a human zygote! A human zygote is unique amongst human cells. No other human cell is itself an individual human. No other human cell *behaves* as a zygote behaves. For first 12 hours or so of his or her individual life, every human walking the earth has himself literally *been* a zygote.

"For a being to be endowed with reason and conscience …"

(the relevance of which has yet to be shown)

"it must have, at the very least, the thing which so endows it – a developed brain."

I don't think we ought to argue about Who, who or what "endowed" us with reason and conscience, or we'll still be going round and round in circles in a year's time. If the inspirer of your favourite "infallible" sacred text had intended us to know the answer to that deep question, surely he, she or it would have inspired the founding fatheads to have written (for example) "The Flying Spaghetti Monster has endowed them", or "Their genetic material has endowed them", or "their developed brains have endowed them". Instead, your "scripture" merely tells us that, "They are endowed". That is apparently all the doctrine that we are expected, according to the Preamble to the declaration, to be

"keeping … constantly in mind". The questions which Article 1 raises, without really answering any unanswered questions one had in the first place, are indeed plentiful, and must remain mysteries of the "faith" that you are not ashamed to profess, but which I do not wish to profess.

Though all of us were zygotes in our day, we were only zygotes for about half a day before turning into morulae. Abortion does not kill zygotes. Pretty well *nothing* kills zygotes, *in vivo*. (*In vitro*, it's another story.) Can we please talk about unborn children in general instead? I wrote about the "mumbo-jumbo of choice". When referring to "choice", I meant the *mother's* supposed right to choose *to have an abortion*. I wasn't referring to any hypothetical choice that somebody who was unrelated to the imperilled zygote, and who was wearing a white coat, might have to make, in a laboratory, about the fate of an *in vitro* zygote. I wasn't thinking about zygotes at all, though you seem mighty interested in them yourself.

"I did watch the video, yes, even before my first comment on this blogpost. It is an appeal to emotion, and proves nothing. Shocking it might be, but logically speaking it neither helps nor hinders the pro-life argument."

In what way did the video appeal to your emotions? It appealed to my emotions, because I already believed that abortion is wrong, other than *in extremis*, rather than an act that we have the right to choose to perform, like any other. The video is reported to have aroused emotion in some who had believed in the mental picture conjured up by the euphemism "just a cluster of cells", to describe the victim of abortion. Seeing the reality shocked them, they said. But in what way could the video possibly have appealed to *your* emotions?

Reply

Edd

Tuesday 16th April 2013 at 23:00 Edit

[I, John Allman, have edited in some comments into this comment of Edd's, in reply to the preceding text of Edd's comment in each case. My edited-in comments look like this. For clarity, I have converted Edd's own words into ***bold*** *text.]*

"Presumably, this a hark-back to the Universal Declaration of Human Rights"

Yes, that's precisely what it is, as I explained when first I invoked it. I chose to talk about "reason and conscience" only because you had referenced the ECHR (which explicitly takes its leave from the Declaration) as a premise for your argument against abortion. It seemed a convenient place to start.

[I have already responded to this reliance of Edd's upon an "exegesis" of the UN declaration, building an entire case upon a handful of words, "endowed", "reason" and "conscience", as though the declaration had the authority of "scripture". I have characterised this approach as "mumbo-jumbo".]

"A human zygote is unique amongst human cells. No other human cell is itself an individual human. No other human cell behaves as a zygote behaves. For first 12 hours or so of his or her individual life, every human walking the earth has himself literally been a zygote."

What is morally relevant about all of this?

[I was simply responding to the description you gave of the human zygote as "a mere cell", rather than asserting any moral relevance peculiar to the zygote, not shared by any other pre-born human.]

"I don't think we ought to argue about Who, who or what "endowed" us with reason and conscience"

Ok, so lets not argue about it. A human adult has the capacity for reason and conscience because, amongst other things, it has a brain. A zygote doesn't have the capacity for reason and conscience because it doesn't have a brain.

*[Yes, I understand that, or at least that the zygote doesn't manifest either reason or conscience. But from little acorns, mighty oaks grow, as the saying goes. You agreed not to argue about Who, who or what "endowed" us with reason and conscience, but you still seem determined to argue that, within the meaning of the word "endowed" as intended to be understood by the human writers of the UN declaration, or whatever supernatural entity you suppose inspired their poetry, lending it the special authority you claim for that particular sacred text, it is the *brain* that so endows the "human adult" with his or her reason and conscience.]*

"you seem mighty interested in [zygotes] yourself"

I talk about zygotes because they are an uncontroversial example of beings that assuredly do not have the capacity for reason or conscience. It shouldn't matter to you that I focus on them, since for you there should be no moral difference between killing a zygote in vivo and killing a 38 week old foetus, no?

*[There may be any number of "moral" differences, as you put it, and at least one practical difference, that, as far as I know, it isn't technologically feasible to kill a zygote in vivo, without harming his or her mother in the process. But the common, *factual* similarity between killing a zgyote and killing an older human, is that both amount to killing a human. I don't accept the authority of the UN declaration, as a work of scripture, whose use of the words "endowed with reason and conscience" is an adequate foundation for distinguishing, as far as the killing itself is concerned, between killing one kind of human and another, morally. I regard that as an appeal to "mumbo-jumbo", as you already know.]*

"Unborn children" is too vague a term to be useful in this discussion (insofar as it could mean anything from zygotes to full-term foetuses) and will thereby only generate confusion.

[I intended the term to generate clarity, rather than confusion. Let us call them "unborn humans" then. It was my intention to lump together all unborn humans, and to discuss them generically.]

"in what way could the video possibly have appealed to your emotions?"

Ignoring the insidious use of the word 'possibly' here, I said nothing about my emotions – only that the video is an appeal to emotion (it certainly is).

[How? I saw the video as an appeal purely to fact. As I understand it, the visual material is intended to dispel the euphemistic myth that an unborn humans is (it is often said) "just a cluster of cells". Speaking scientifically, there is a short period of time, after conception, and before a mother can possibly realise that she is pregnant (absent, say, the appearance of a trusted angel annunciating this news to her), when her unborn son or daughter is still literally a cluster of cells. But, by the time she knows that she is pregnant, her unborn son or daughter has long since ceased to be any more capable of being described as "just a cluster of cells", than you, or I, or the mother herself, or the abortionist who stands to gain financially, if only the mother can be persuaded of the aptness of this euphemistic misdescription of her son or daughter. If the truth evokes emotion, it is for you to explain why.]

Reply

Edd

Wednesday 17th April 2013 at 16:30 Edit

After writing a full response to your comments above, it occurs to me that you have not actually argued against my position. The closest you have come is to say that you don't regard reason and conscience to be an adequate foundation for a moral distinction between killing "one kind of human and another". This is still not an argument, only a disagreement.

Your charge that I rely on the authority of "scripture"in the form of the UDHR is specious. Earlier comments of mine explain precisely why. You can find them yourself.

(If you would like responses to your other points I will happily provide. For the moment they are irrelevant.)

Reply

John Allman

Wednesday 17th April 2013 at 16:53 Edit

"you have not actually argued against my position"

In the context of ethics, there isn't any sort of "argument" that works "against" an "argument" such as yours, which is essentially just an "appeal to authority" (a phrase you used first). That applies whether the authority is the UDHR (your choice), the book of Leviticus, the Q'ran, the Constitution of the United States of America, that country's Supreme Court that construes that constitution, or some personal, *home-grown* mumbo-jumbo favoured by one's opponent.

"you don't regard reason and conscience to be an adequate foundation for a moral distinction between killing 'one kind of human and another'. This is still not an argument"

Are you dissenting from the consensus on the equality of all humans then? As I have pointed out, in ethics, tautological proofs and evidenced-based proofs are not available. All that can be proven, is that some people are more, or less, consistent, than others, and that some rely upon mumbo-jumbo differently from others. Your position relies on *your* mumbo-jumbo of choice, and it certainly isn't consistent, unless you also support infanticide (and a whole lot more).

See:

After-birth abortion: why should the baby live?

Reply

Edd

Wednesday 17th April 2013 at 17:21 Edit

"Are you dissenting from the consensus on the equality of all humans then?"

Potentially yes. Depends what you mean by "equality".

"Your position isn't consistent, unless you also support infanticide (and a whole lot more)."

Not really. First of all it's not my position; I have been arguing a hypothetical case. Secondly, I've already said that there is some evidence that babies have the ability to reason, therefore the argument I have been making wouldn't support infanticide. And even if it did, there might be other reasons besides those revolving around the right to life that mitigate against infanticide.

Reply

John Allman

Wednesday 17th April 2013 at 22:35 Edit

The meaning of "equality"? Equality in dignity and rights is how the UDHR puts it.

"it's not my position; I have been arguing a hypothetical case"

Perhaps you should clarify what your "position" is, and why.

Reply

Edd

Thursday 18th April 2013 at 10:10 Edit

"Perhaps you should clarify what your "position" is, and why."

I will stick with the argument I have been pursuing so far – it serves as a test case to show that not all pro-life arguments admit of 'mumbo-jumbo', and in any case that the reasoning they exhibit might at least be more satisfactory than the philosophically inadequate bare assertion of your pro-life argument (note that I do not say all pro-life arguments).

All the same, I'm not sure what the point would be in outlining my position if you're not actually going to listen to it. You're having a hard enough time responding to this one without worming out of it under the cover of a vacuous derision:

"Your position relies on your mumbo-jumbo of choice"

The strawman 'mumbo-jumbo' of your original blogpost meant something like talking about ghosts in machines and magical processes of 'ensoulment'. I haven't postulated anything like that. It seems your use of the phrase has shifted, such that now 'anything-John doesn't-agree-with' qualifies for the abusive label 'mumbo-jumbo', obviating the need, in John's eyes, actually to do any of the critical labour himself. How Daily Mail of you.

Such is evidenced by your repeated red-herring whinings that I 'rely' on the 'authority' of 'scripture' in the form of the UDHR, in spite of plentiful evidence to the contrary:

"your "scripture" merely tells us that, "They are endowed""

and:

"I have already responded to this reliance of Edd's upon an "exegesis" of the UN declaration"

and:

"That applies whether the authority is the UDHR (your choice)"

and most recently:

"an "argument" such as yours, which is essentially just an "appeal to authority" (a phrase you used first)."

Oh dear John. Repeating the same tired accusation over and over may well comfort you, but it doesn't make its content true. As I've already said, the allegation is specious, and if you'd bothered to pay attention to what I was saying you'd know why. Either that or you're deliberately ignoring or misconstruing what I've said. Neither of these options are particularly attractive.

An appeal to authority is an argument that says its conclusion is true simply because the supposed authority says it. I have nowhere done anything like that in support of the position I have been advocating. You can check, if you're not too lazy.

"an "argument" such as yours, which is essentially just an "appeal to authority" (a phrase you used first)."

What exactly do you think my argument is John? Perhaps we can see if you've been paying attention by reiterating it to me – without any vituperative distortion – and if it's a faithful restatement we can continue the discussion.

"an "argument" such as yours, which is essentially just an "appeal to authority" (a phrase you used first)."

A phrase I used first? Really? – Where?

"In the context of ethics, there isn't any sort of "argument" that works "against" an "argument" such as yours…"

Yes John, there is. Declaring the contrary without any explanation why just looks like another indolent attempt to avoid having to deal with it.

Reply

Earonn

Thursday 25th April 2013 at 10:55 Edit

What I would ask you personally: are you a vegetarian?
Just because so many pro-lifers see life in the tiniest cell cluster but don't seem to have a problem with a steak – or rather with the killing of the fully developed living creature it came from.

Okay, apart from that, I'd say that there is no easy and perhaps not even a 'right' answer to that question. Would I have the right to kidnap you and remove your kidney against your will if you were the only person on earth whose kidney could be transplanted to me?
Could a third party – the government, a religious group, people on the street who have nothing to do with either of us – legally force you to donate your kidney?
I don't think so, therefore I don't think we are allowed to meddle with the pregnant women's decisions.

However, I am of the strong opinion that we should do much more to encourage women to have their baby and, if they really see no future with it, to give it into adoption, all the time getting full provision and psychological help.

Reply

John Allman

Thursday 25th April 2013 at 12:24 Edit

Thank you for commenting, Earonn.

I am not a vegetarian. I do not think you should be entitled to operate to remove my kidney without my consent, not even if you were working for a government or a religious group.

"pro-lifers see life in the tiniest cell cluster"

It is, rather, *science* that sees a distinct human life in "the tiniest cell cluster", such as I was, and you were yourself, for about four or five days. That is also how Ann Furedi sees things, as you will see if you read the quote at the beginning of my post. The *scientific facts* of the matter are not in dispute, surely? That was my intendedly uncontroversial *starting point*, rather than any controversial *conclusion* that I was straining to reach.

"I don't think so, therefore I don't think we are allowed to meddle with the pregnant women's decisions."

The only word in that sentence I don't understand, is the word "therefore". I don't see how that particular "we are not allowed" conclusion follows from the observations that some of us eat meat, and that we don't tolerate the non-consensual harvesting of organs from kidnap victims, for donation in transplant surgery, not even at the behest of governments or religious groups. Besides, we already *do* "meddle" with all sorts of decisions people make, or want to

make, including decisions of pregnant women, and including decisions about abortions. It is illegal. for example, to perform abortions in the UK, unless certain statutory criteria are met. It remains illegal, even if the mother decides that she would like an abortion.

I think you might find several of my other recent posts more suitable than this one, for raising the particular points that you seem to want to raise. I also think that you would be likely to find those other posts are more enjoyable to read than you probably found this one.

Reply

Earonn

Thursday 25th April 2013 at 18:33 Edit

Dear John,

I'm sorry, for the confusion. You are right: it's not just pro-lifers who see the first cell cluster as 'life' – science, does, too. I didn't mean to make this distinction, which tells us something about communication traps. 🙂

Although – if 'science' (what is that? A group? A single person speaking, whose views are disputed by another person?) would tell differently, wouild you mind?. You have your opinion, your values, inside your mind. This I mean as a compliment – you don't ask for authorities, I think, but make up your own mind, which I find incredibly valuable.

I found your post very 'enjoyable' – perhaps not in the way I find the last '44 Scotland Street' book enjoyable, but in the way of an exchange of ideas.

That you 'stumbled', so to speak, over my 'therefore' is a wonderful coincidence, as I had some ideas since my comment, about what feels 'wrong' to me in the pro-life-argument:It's the inconsequence.

By demanding a woman to carry a child she doesn't want one demands a huge sacrifice. I don't think we can do that righteously if we are not ready and willing to do nearly the same (preach water, drink wine, you know).

And I don't get the impression that this is the case with all the people who are 'pro-life' – and I don't even count those who argue pro life and pro penalty of death at the same time!

Given the reactions to the Scotsman article, you'd think that most people in Scotland are against abortion. Let's assume that in the Western World we have 40% against abortion.

With all those people holding life in such high esteem – why do we lack the much needed organs for transplantation? Shouldn't all who esteem life high enough to defend it even against the likewise rightful interests of the pregnant woman be more than willing to support it where it costs nothing?

Vegetarianism is another point. If you find life worth protection in some cells, how can you sacrifice a whole living being just for the taste of its flesh? (I'm not vegetarian, just try to eat very little meat and get it from animals treated, 'good' in life and death, so there is no ethical reproach intended here.) Shouldn't a pig be even more worthy of protection than a fertilised cell?

Unless, of course, the distinction would be that it's a *human* cell, but why should a human being be more valuable than a pig? (Ask the pig! ^^). That would be speciesm, no better than claiming to be more worthy because of being 'white' or 'European' or 'female'.

And shouldn't everyone who demands a woman to go through pregnancy at least give some money to support the children already born (please allow me to mention here my supported group, the Hero Rats, they train rats in Africa to sniff out land mines – fantastic people)?

And this is, why I think, that many who fight for the life of the fetus do this for some other reason. That's okay. Everyone has the right to say that he/she just *wants* the woman to carry the child. Just that wanting something isn't a base for making it a law.

If today many women give 'convenience' as a reason for abortion (as it's said again and again, although I don't know the numbers), this just means that having a baby is a very big hurdle for a girl. Why not remove the hurdle? Why does a young woman has to think that the unwanted baby would be 'the end of the life she wanted' (it is when you are young, I speak from experience, although it was false alarm)? Why doesn't she know about the many ways she can give life to her child and still study or finish her apprenticeship or become the next supermodel?

We will never prevent every 'unnecessary' abortion – just as we will never prevent rape. Both is injustice, and some people are just, well, 'sick'.

But I firmly believe, that if pro-lifers and pro-choicers would listen to each other, if we would talk, make out the real problems and work together to remove them, we could save thousands of lives.

Disclaimer: I don't speak as a woman-who-could-get-pregnant: due to medical reasons I had a sterilisation and if I would get pregnant, believe me, it would be a mercy to the child to make an abortion, as I have to take heavy medcine.

Reply

John Allman

Thursday 25th April 2013 at 20:16 Edit

Dear Earonn

"demanding a woman to carry a child she doesn't want"

... is an expression that suggests as warped a spin on the facts of life as complaining that building a supermarket without a car park, a taxi rank, a bus stop, and a free door to door chauffeur-driven car service, which has a range of attractive and valuable special offer goods just before their sell-by date prominently on display near the exit, and clearly marked "all you can carry, totally free!", and which gives out free carrier bags into the bargain, amounts to "demanding" that shoppers carry shopping they don't want.

I like the death penalty, as a symbolic statement of how we feel towards certain criminals. Just as long as it is never carried out. In Pennsylvania USA, the only people on death row who ever get put to death, are those who volunteer to be executed. "No hangings today folks. The prisoners all refused to sign their consent forms again." Very civilised. I think we should have that system here, or automatic commutation to life imprisonment, with a humane tariff.

Avoiding speciesism demands regarding swatting a fly as as every bit as serious as murder, or murder as every bit as trivial as swatting a fly.

"I firmly believe, that if pro-lifers and pro-choicers would listen to each other, if we would talk, make out the real problems and work together to remove them, we could save thousands of lives."

Then you will enjoy "Thinking outside the botch", also on this blog.

John

Reply

Marion

Thursday 25th April 2013 at 11:46 Edit

Interesting video .As a matter of curiosity What gestation was the foetus shown born intact? I ask, as having had a miscarriage at 19 weeks and a premature birth at just under 24 weeks the foetus looks to me to be somewhere between these 2 gestational points.

Interesting that such a late abortion is shown when so few in the UK are done at that stage unless the child is likely to be born seriously ill/disabled. I do not find the video shocking at all, which I am sure disappoints you. It is quite possible to view this and think – well what else would an abortion look like?

I personally have had 2 children, one 19 week miscarriage and a baby born at 23 weeks 5 days who lived a mostly horrible life for 9 months and then died. I have also had an abortion at 5 weeks.

Before I was ever pregnant I fully supported a woman's right to choose whether or not to continue a pregnancy up until a foetus had a chance of independent viability. I personally consider this to be around 24 weeks although I think the old limit of 28 weeks was also fine as very few babies born before that point do not have considerable health and disability issues so there is also an argument for that limit.

My life experiences have not changed my view on abortion in the slightest.

Incidentally I have no mental health issues and find your suggestion elsewhere that most women who have had abortions are mentally ill to be deeply offensive.

Reply

Earonn

Thursday 25th April 2013 at 12:12 Edit

Marion,
apart from the discussion, my condolences for the loss of your children. Especially to see your premature born baby suffering for such a long time must have been terrible.

As for the video, well, there are many who can't stand the sight of a birth (ask some of the young fathers I know ^^), but no one would consider that an argument against having children, right?

Reply

John Allman

Thursday 25th April 2013 at 14:03 Edit

I must be unusual, in that I love watching births, even Caesareans. I find a birth to be an awesome sight, especially when I am present, and the father.

I also found Marion's story touching. I emailed her directly, in similar vein to your comment addressed to her, assuming she gave her real email address when posting her comment, which isn't mandatory.

Reply

John Allman

Thursday 25th April 2013 at 13:10 Edit

Dear Marion

Thank you for a real quality comment, which it was a pleasure to read.

I have to agree with you, Marion. I had also thought that the inclusion was inappropriate, right at the end of the video (which is not mine), of one shot of the intact mortal remains of victim of what was obviously an untypically late abortion by UK standards. I had been thinking of complaining to Abort 67 about this particular shot, and you have encouraged me to make that planned complaint without delay.

I would like please to comment on the following abridged quote from your comment:

"I have … had an abortion at 5 weeks. … I have no mental health issues …"

Quite simply, you are part of a tiny minority, *if you live in the UK* (as it appears you do). In round figures, 98% of abortions in England and Wales during the year 2011, were conducted because the mother had a mental health issue. The remaining 2% of legal abortions, yours apparently included, were conducted for other reasons – *all* the other reasons added together, that is. Please see "Giving evolution a helping hand", on this blog.

"a woman's right to choose whether or not to continue a pregnancy up until a foetus had a chance of independent viability"

It is a fallacy that an undamaged foetus doesn't have a "chance" of "independent viability", at *any* stage of his or her development. He or she has a very good chance of that happy outcome. Often, that chance is stolen, by aborting him or her *too early in the pregnancy*.

On these particular issues, the *viability* issue, and the *woman's right to choose* issue, please see "Thinking outside the botch" and "Catherine Schaible's right to choose", both on this blog. Both of these posts have a touch of black humour that I hope you will enjoy.

Kind regards,

John

PS The email I sent you bounced. That's OK. You're perfectly entitled to use a fake email address, to protect your privacy, though it does prevent me from inviting you to subscribe, or notifying you when I have replied to a comment of yours. But here is what the bounced email said.

66

Subject: Your nice comment on my blog

I very much appreciated your comment on my blog. I have posted a reply which I hope you will enjoy.

I am happy for you, having two children, and sorry about the little one who died, and both of your miscarriages, including the one that was induced at five weeks gestation, other than for mental health reasons.

Thank you very much for writing such a nice comment.

John

99

Reply

Marion

Thursday 25th April 2013 at 14:17 Edit

Firstly ,I live in the UK, so I am afraid any similarity in my language to Roe vs Wade is purely coincidental. While I am aware of the case I have never read any of the in depth legal detail relating to it. *[Ed: Marion is replying here*

to a passage of my original reply that I had edited out before Marion posted her reply, though Marion appears not to have noticed this.]

I am pleased and surprised at your reaction to the inclusion of the late abortion footage. I will go further in my comments relating to that now in stating that I am not convinced that this is even abortion footage at all. In the miscarriage I had at 19 weeks, when my baby was actually born having been found to still be alive through a scan performed only a few hours earlier, he was nothing like the colour of the foetus/baby shown here. He was a much pinker colour reminiscent of a newborn. The baby/foetus shown here is a colour indicative of someone who has been dead for some time. If I am correct in this, this would actually be footage of a miscarriage/stillbirth. Obviously I have only my own personal experience to base this hypothesis on but nonetheless my suspicions are that this footage is not what the video's makers would like people to believe. I find that, if it is true to be much more distasteful than the footage itself.

Misleading in the name of education is a deeply repellent premise.

You strike me as an intelligent, if in my opinion misguided individual. This makes me unable to decide whether your comments on the mental health of women having abortions are in fact wilfully missing the very obvious point.

The ridiculous UK abortion laws, as I am more than sure you well know, do not allow "abortion on demand", therefore women, or doctors helping them, have to be creative with the reasons given for the abortion to be allowed to proceed. My abortion will therefore presumably be one of those heralded by you as showing "proof" of my being mentally ill, despite actually being nothing of the sort! As my physical health was not endangered by proceeding with that pregnancy, I had therefore to be inventive with the state of my mental health or I would, under the Act not have been allowed an abortion.

While I could quite reasonably claim that my actual reasons for having an abortion were private, in fact I do not have a problem with sharing them with you or any other interested party. It was an unplanned pregnancy at a time when to continue with the pregnancy would have caused a lot of disruption to my existing family for a variety of reasons. In addition my earlier obstetric disasters, as previously detailed, made me feel that I had quite frankly had enough of the whole business. Shortly after the abortion my husband had a vasectomy, so as such an incident would never happen again. I do not regret the abortion, although I regret becoming pregnant by mistake and I am not in any way apologetic that I had an abortion, I see no need to be, we all make mistakes.

I would very much like to see clarity and sense introduced to the UK abortion laws, so as such nonsensical discrepancies can be removed. Abortion on demand such as exists in say France up to a pre decided limit and then later on for exceptional reasons is a much better way forward. If that were the case in the UK I think you would find that a lot of the women citing mental health grounds for their abortions would immediately and significantly decrease.

Reply

Earonn

Thursday 25th April 2013 at 19:17 Edit

@John
I can imagine that watching a birth – especially if its your child (I take it that you are a father yourself, and I wish all the best for you and your family) – is an awesome sight. Just not for everyone. One of my friends vomited and the other almost swooned (today they are loving, dedicated fathers). My point was: just because something is a horrible sight it doesn't mean it's wrong.
Personally, I found the sight of my rat giving birth to her youngs a strange mixture of bah and wow. 🙂

@Marion
Your mention of the 'pretenses' you had to give for your abortion reminds me of the tricks my gyn had to use to get me sterilised at the quite young age of 23. This is, because the law in Germany was especially spiteful: it allows you to have a sterilisation but at the same time treads it as 'bodily harm' committed by the doctor. So, in fact, you could charge him for performing the very act you asked him to. Which means, of course, that almost no gyn takes the risk (I don't know how the situation is today, this happenend about 1996).
So, actually, being epileptic was 'good luck' for me and it's the reason why I got sterilised, while the true reason was: I don't want children (and other methods don't work for me for medical reasons or safety concerns).

Anyway, thank you very much for your openness.

Reply

John Allman

Thursday 25th April 2013 at 22:09 Edit

Dear Marion

I have emailed Abort 67 about the video.

Judging by your disappointment that the foetuses didn't look freshly killed enough to you, you must have cried at the end of Watership Down, more than in the sad bits, when it said on the screen, "No bunny rabbits were harmed during the making of this movie." Imagine having your emotions manipulated by special effects like that, all the time being deceived into believing that you'd been watching real bunny rabbits actually dying! Did you ask for your money back?

Misleading in the name of entertainment is perhaps not as repellent as misleading in the name of education though. I don't know though . . .

As you didn't pay to watch the Abort 67 video, I doubt you'd have had a valid lawsuit, even if it had said, at the very end, "No humans were harmed during the making of this movie. We lied. They all died a few days before we shot the scenes they were in."

I expect that foetuses who get decapitated and chopped up into little pieces inside the womb, probably bleed into the amniotic fluid. The loss of blood, and the seepage of amniotic fluid into the spaces where the blood had been, is the probable explanation for the pale colour of the human fragments by the time they become visible to the camera, and for the redness of the fluid.

Your use of the word "footage", in the context, was creepy. It brought me flashbacks.

"As my physical health was not endangered by proceeding with that pregnancy, I had therefore to be inventive with the state of my mental health or I would, under the Act not have been allowed an abortion."

Be careful who else you admit that to, please. I'm now researching UK criminal law. I cannot ever remember a news report of a conviction for obtaining (or providing) an abortion by deception, but I am fairly certain that what you admitted, isn't something to mention casually whilst queuing for the buffet, when your husband has had to buy a couple of tickets for the Policemen's Ball to avoid a speeding ticket, and doesn't want to waste them.

John

Reply

Marion

Thursday 25th April 2013 at 23:22 Edit

I was pleasantly surprised by your politeness and courtesy to my original posting. Your later descent into threat, vitriol and mockery therefore took me somewhat by surprise, though that was plainly naivety on my part as I have yet to find a pro lifer who does not become rabid and irrational at the drop of a hat.

Of course I did not wish the video footage to be more gory, it was engineered to be nasty enough viewing as it was. I realised any suggestion that the "late abortion" was simply a miscarriage, where the foetus had previously died of natural causes would not be received well by you, but to compare fake/false abortion footage designed to shock and apparently to educate with entertainment special effects is beneath sensible argument. Speaking of which, you do realise that "foetus" in the palm of a hand you show on your blog is a model? Real tiny foetuses, as the footage of earlier abortions plainly shows, are inconveniently not that cutesy.

FYI the bunnies in Watership Down are all hand drawn animation and therefore no one would be expected to believe they were real, which beats the abortion footage hands down. It was a very sad film though and much more moving than grim abortion footage will ever be.

I would actually look forward to being the first person prosecuted for obtaining an abortion by deception, it might bring the ridiculousness of the current abortion laws into a bit sharper focus, plus everyone loves a martyr.

I think you will find most women seeking abortion in the UK are being creative with the truth so, maybe a class action of millions of murderers who lied to get their evil way could be brought – what do you think?

Since my first reply, I have read some of the rest of your blog and frightening reading it makes too. I didn't realise that as well as being anti abortion, you were also a gay bashing conspiracy theorist (though no mention I note of lesbians who would be somewhat pushed to get involved with the sodomy you are so clearly obsessed by, odd how homophobes always fixate so much on that one act not even practised by a large percentage of gay men hmm!) Are you a UKIP supporter?

I also had no idea that you had a whole section on eugenics when I mentioned the inconvenient fact that women seeking abortion exaggerate the effects of continued pregnancy on their mental health. That is a bit unfortunate as it would appear to blow your whole theory of abortions carried out on the mentally ill out of the water, maybe that is what has so incensed you.

Anyway, I shall bow out gracefully now as never in a million years are we likely to agree on anything and you have done nothing to allay my suspicion that men who wish to remove women's right to abortion are of a misogynistic tendency.

All the same it has been an entertaining few hours. It is always a joy to read the ramblings of the very confused, I have shown your blog to my teenage daughters as a caveat to developing extremist tendencies, so in a funny kind of way it has been educational after all.
I don't expect this will ever actually appear on your blog but thought I would share my feelings with you all the same . Toodle pip.

Reply

John Allman

Thursday 25th April 2013 at 23:45 Edit

Oops! Sorry. I was trying to be witty. My attempt to raise a smile on your face obviously fell flat on its face. I tend to use understatement to mock, and hyperbole to be cheery. It wasn't *meant* as "vitriol".

I don't suppose an apology would be any good?

Reply

Pingback: What's offensive about graphic images of abortion victims? | JohnAllman.UK Edit

JohnAllman.UK

BY JOHNALLMAN.UK | SUNDAY 10TH MARCH 2013 · 16:14 | EDIT

B*ggers CAN be choosers! (About “sexual orientation” determinism.)

Will you, won’t you, will you,
Won’t you, will you join the dance?
Will you, won’t you, will you,
Won’t you, won’t you join the dance?
–
Would not, could not, would not,
Could not, would not join the dance.
Would not, could not, would not,
Could not, could not join the dance.
–
Lewis Carroll, 1832-1898

Follow @John_Allman

Have you heard the slogan, “nobody chooses to be gay”? This piece has been written in order to stimulate thought about the effect upon *children* of social attitudes towards homosexual behaviour, in the light of that slogan’s truth, or it’s *un*truth.

The myth

Consider the following pair of statements.

- Everybody has an innate, immutable, biologically-determined sexual orientation that is either homosexual, or heterosexual.
- People with a homosexual orientation cannot engage in heterosexual behaviour, or vice versa.

Let’s call that two-part thought-bite “the myth”.

The myth isn’t true

In that form, the myth is easily refuted, by pointing (for instance) to the counter-examples of people who identify and live as bisexual, or as ex-gay. Or one can point to much of the homosexuality found in single-sex prisons. Or to the married, father-

of-four, public figure who has been caught with his pants down, and a rent boy in the hotel room with him, for whose kiss-and-tell story the gutter press is willing to pay.

Nobody much is actually asserting the myth either, *in so many words*. Some readers will therefore suspect me fleetingly, of being about to use a "straw man" argument, attacking an easy target in the form of a caricature of a position I disagree with.

In the clichéd arguments raging all over the world, the rhetoric typically deployed by the proponents of homosexual equality is based squarely upon the myth. It assumes the myth, or asserts the myth *subliminally*, time and time again. People who would say, "Don't be silly", or "It's not that simple", when asked outright if they agreed with the myth, therefore often have the myth in the backs of their minds.

Other ideas that accompany the myth

Here are some of the other thoughts that the myth brings with it, which many people also have in the backs of their minds.

- Nobody chooses between heterosexual and homosexual behaviour. People have no choice. There is no decision to make. Homosexual and heterosexual behaviours alike, are equally determined by one's biology. (Or, perhaps God creates gay people.)

- Since homosexual behaviours are not a choice, the behaviours must therefore be morally neutral. They cannot be "wrong" or "sinful", if they are involuntary.

- The old school of gay activism got it completely wrong in the mid 20th century, when it encouraged "straight" people not to be uptight, but to "explore" their "gay side". That's not how it works after all, we have since discovered. Straight people cannot do gay things, or vice versa.

- Any individual, group, subculture or religion – or *parent* – that discourages homosexual behaviour in children, is simply wrong, unenlightened, retarded, unscientific, hate-filled, bigoted, and so on. He, she, or it, is risking harming children.

- There are no "formative years" during which a child could go either way. Each child was either born gay, or born straight.

- Social attitudes towards homosexual behaviour cannot possibly have any effect upon its prevalence.

- Traditional hetero-normative peer or parental pressure, in the playground, the workplace, or the home, cannot possible affect the outcome even for one child. All one can do, is to watch helplessly, waiting to discover whether one's child was born straight, or born gay. Hetero-normative social pressure of any kind is therefore nowadays to be denounced as hate-motivated, homophobic bullying.

- There is no point in giving children information about (say) the comparative health risks of sexual intercourse and sodomy, because such knowledge cannot possibly influence their behaviour. Their future sexual behaviour had already been determined biologically by the time they took their first breath. Nobody is *able* to make the sort of choices that providing such information would transform into *informed* choices. The information thus has no conceivable use.

- People who engage in homosexual behaviour are rightly described as "homosexual people". They are akin to an ethnicity, for the purposes deciding what "equalities" they should have, and what "discrimination" against them they should be protected from.

- A child who experiences same-sex attraction, or has early same-sex erotic experiences, must conclude that he or she is one of these homosexual people. If a child is distressed by unwanted same-sex attraction, the child should *never* be reassured that this might be just a passing phase, or encouraged to explore his or her "straight side" too. That would be to risk harming the child.

- Sexual intercourse, the sexual act by which a new human life is usually started, is nothing more than the heterosexual equivalent of sodomy, and vice versa.

So what?

We know that the myth isn’t true. It is, at best, an over-simplification. And the myth’s other accompanying baggage listed above, is suspect too. Rather, we can be sure that:

- One cannot say truthfully that having sex and sodomy are equivalent in any way, other than as the expression a value judgment, from which present and future generations will remain entitled to dissent, as long as mankind has freedom of thought.

- Children *do* have formative years during which they *could* go either way, maybe for the rest of their lives.

- Many children do have a *real* choice to make, when they experience same-sex attraction; or when they are sexually initiated by older children or by adults of the same sex, and experience physical pleasure when this happens; they are likely to experience this physical pleasure, even if they are in some emotional turmoil about whether what they are doing, or what is being done to them, is right.

And so on and so forth.

What about gays though?

Yes, there are people, who call themselves “gays”. Their perception is that the myth is subjectively true for them, so-to-speak. What I mean by that, is that if the world consisted only of them, with their perception of always having been, for as long as they can remember, deterministically, ontologically, innately, immutably and exclusively homosexually oriented, and another group that had exactly the same perception of being heterosexually oriented, then we’d be some way on the journey towards proving that the myth was true after all.

But that is not how the real world is. The reality is more complex than the myth conveys. This is the reason for having chosen the rainbow symbol, which represents diversity. It takes all sorts to make up a world, and some of those sorts, are counter-examples that disprove the myth. Some of the “colours” of the “rainbow” represent people – *many of them still children* – who can, and will, and do make choices. They choose whether to have sexual intercourse, or to commit sodomy, or both, or neither, during their lifetimes. Some of them, when they are old, will remember like yesterday, the days when, in their youth, they chose to practise homosexuality, and the day they chose to leave homosexuality behind forever.

Gays (meaning, in this post, people who choose to self-identify as “gay”) protect their collective perceived interests, by hinting, in the rhetoric that they, their activists and spokesmen use, that the myth must be *objectively* true for everybody. Why is peddling the myth in the perceived self-interests of gays? Because, they tell us themselves, self-loathing, through exposure to social attitudes that are critical of homosexual behaviour, drives some gays to suicide, which is tragic. Social attitudes motivated by faith in the myth that are more favourable or neutral towards homosexual behaviour, it is claimed, would have prevented or ameliorated any self-loathing, thus saving the lives of an unknown number of gay suicide victims. Or so the usual (rather emotional) argument goes.

What about children who *aren’t* deterministically, future gays?

But might not social attitudes favourable or neutral towards homosexual behaviour, for which is claimed such a good outcome for future gays, the prevention of suicides, have a potential downside for other children? If the myth were true, there could be no downside. Social attitudes would not be able to affect the prevalence of homosexual behaviour, or the outcomes for the children with choice, because children don’t have any choice, says the myth, *none* of them. But we all know that the myth isn’t true, that many children *do* have choice. Is it unreasonable to suppose that social attitudes to homosexual behaviour are unlikely to influence at all what choices children make?

Gays claim that they *themselves* didn't "choose to be gay". But, let us not forget the many adults who *did* once actively *choose* to engage in homosexual behaviour. Nor to forget those who *chose* to refrain from such behaviour, or such *further* behaviour. They remember choosing, and for some of them, carrying out the decision was a struggle.

Adults who have chosen to practise homosexuality, and those who have chosen not to alike, began to make those choices when they were children themselves. So, above all, let us consider the interests of today's children, those who are still about to make their choices, or are in the process of making their choices.

There are always going to be children who have the ability to chose their sexual behaviour, even if one accepts the plea of automaton that most gays offer, "I didn't choose to be gay". (That is, if the children want to label themselves with a "sexual orientation", presumably having in the first place accepted the concept of "sexual orientation" as valid.) Are not these children with a choice entitled, at very least, to factual information from which they can work out the pros and cons of sodomy for themselves?

A Utilitarian question

A genuine conflict of interests presents us with a moral dilemma here.

We could teach children that homosexual behaviour is normal and unavoidable for some people, and equivalent to heterosexual behaviour. We could teach them that experiencing same-sex attraction means that one has discovered that one is one of those people oneself. That's certainly the direction in which we seem to be heading as a society.

If we choose to teach this system of doctrine, which is largely based upon what I have called "the myth", there *may* be fewer suicides caused by gay self-loathing. But this hoped-for benefit will not necessarily be without collateral damage elsewhere in the population. And besides this, our teaching won't exactly be truthful, will it? It won't necessarily be what we believe ourselves, for a start.

Many would like our schools to teach children who *can* choose between sex and sodomy, that the two are equivalent, just as good and as safe as one another. They want to give the children who could go either way, no reason to prefer one way to the other. They want us to teach this to children, in order to avoid hurting the feelings of the future gays, who (it is claimed) *cannot* choose between sex and sodomy.

If we teach *this* syllabus, are we acting responsibly? Of course not! We may actually end up deserving to be sued by members of the future generation we would be harming, by teaching children the myth and the package of ideas that flows from it.

To ask a Utilitarian question, which will harm more children the most? Teaching children that sodomy is equivalent to sex? Or teaching children that sex and sodomy aren't the same thing at all? As a society, or at least as parents, we must, in practice, choose one or other of the two teachings.

Relevance to same-sex marriage?

Most opponents of same-sex marriage say that redefining the word "marriage" by permitting same-sex couples to use the word "marriage" for their registered domestic partnerships if they choose, would "devalue" marriage. The sophisticated arguments to this effect tend to go right over the heads of the casual listener. Those arguments have yet to succeed in changing political opinion enough to kill the Bill. But there are other arguments against same-sex marriage.

The introduction of same-sex marriage, is almost bound to lead to purges. Staff who work with children, however long and unblemished their track records, who have a conscientious objection to expressing approval of, or neutrality towards, same-sex marriage, are likely to be staff whose attitude toward homosexual behaviours is critical, rather than affirmative or neutral. Such workers won't be allowed to enter, or to remain in (for example) the teaching profession before long. They will be sacked. Only the syllabus based on the myth will be taught, with no dissenting voice heard, or tolerated.

Another argument against same-sex marriage is that it indirectly exalts sodomy, raising that behaviour to the same level of sexual intercourse, in society's esteem. How? Well, not directly, through a consummation clause in the present Bill. We've

escaped that indignity. But same sex marriage exalts sodomy indirectly, by furthering the entire package of ideas that is based upon a myth that nobody believes in the first place – *the* myth, as I have called it. The adoption of the rainbow symbol testifies that it is admitted that the myth is an over-simplification. But it is the myth that nevertheless lurks behind the slogan “equal marriage”, as it’s *only* rationale. Part of the package of ideas that accompanies the myth, is the *value judgment* that sodomy is equivalent to having sex. Same-sex marriage thus exalts sodomy.

Same-sex marriage is perhaps the final nail in the coffin of public sector hetero-normativity. I have questioned whether eradicating from our culture every last trace of hetero-normativity, might not actually harm children who *do* have the ability to make sexual orientation choices that gays deny ever having been able to make themselves.

Would it be such a big problem – and *what* problem would it be, and to *whom* – if we retained just this one, tiny vestige of hetero-normativity in our culture? Keeping the meaning of the old, old word “marriage” what it has always been until now? Keeping the M word’s meaning to be about relationships in which sexual intercourse itself is possible? Sexual intercourse as *distinct* from sodomy?

Is there a solution?

I cannot see how anybody can seriously doubt that some children avoid ending up gay, and are all the happier for it, partly because the prevailing culture retains some vestigial hetero-normative characteristics.

I don’t see how it is going to be *possible* to strike a balance, between the interests of the following two groups:

- Children who might commit suicide if society is too hetero-normative for them to find life bearable, the future gays
- Children who are by no means deterministically gay, but who could end up gay in practice, by making the “wrong” choice, so-to-speak

If there *is* a middle ground, what is it?

If there is *no* middle ground, which group’s interests should trump the other group’s?

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Ed

Sunday 24th March 2013 at 23:32 Edit

Your argument seems to based on the non-sequitur that sexual practice = sexual orientation.

Also, you assert many times that sex does not equal sodomy. Unless this is to be a trivial assertion, I take you to mean that they are not morally equivalent, yet you don’t ever actually say why. It remains thus an assertion only. So, what’s the problem with anal sex?

Reply

John Allman

Monday 25th March 2013 at 00:37 Edit

@ Ed

“Your argument seems to based on the non-sequitur that sexual practice = sexual orientation.”

The simple answer to that, is to assure you that I don’t equate sexual practice with sexual orientation. Do you think that I constructed an “argument” for a particular proposition? I wasn’t trying to do anything quite as specific as that.

“you assert many times that sex does not equal sodomy. Unless this is to be a trivial assertion …”

The assertion that sexual intercourse and sodomy are not equivalent, is indeed a “trivial” assertion. Yet, trivial or not, it does no harm to remind people of this, because this trivial fact is frequently overlooked.

On numerous occasions during the past couple of decades, complaints have been made that will immediately be rejected by who anybody is aware of the non-equivalence of sex and buggery that you label as “trivial”.

For example, I am old enough to remember a time in our history when it was a criminal offence for a man to bugger a woman. Yet the same man could, in some circumstances, bugger another man who was aged eighteen or older, with impunity. In what sense did this different treatment of homosexual buggery and heterosexual buggery, give rise to the complaint made at the time that the “age of consent” was *higher* for homosexuals than heterosexuals?

The false perception of an alleged higher age of consent for homosexuals and heterosexuals, only existed in the minds of those who obviously *needed* to be reminded of what you rightly characterise as so “trivial”, that you could scarcely bring yourself to believe that was all that I was saying, and therefore went looking for hidden meanings, to do with morality.

Reply

Ed

Monday 25th March 2013 at 10:34 Edit

If you don’t equate orientation with behaviour, then why say that

“Gays claim that they themselves didn’t “choose to be gay”. But, let us not forget the many adults who did once actively choose to engage in homosexual behaviour. Nor to forget those who chose to refrain from such behaviour, or such further behaviour.”

?

Unless for you the label ‘gay’ denotes one’s sexual practice rather than the widely accepted denotation of sexual orientation, I can’t square the content of this quote with the statement in your reply that you don’t equate the two.

You say that you are not setting up a straw man, but nobody is espousing the apparent myth that one can’t choose one’s sexual behaviour. What is being put forward in the assertion that “nobody chooses to be gay” (clumsy as this phrase is) is rather that nobody chooses who they are sexually attracted to, nobody chooses what their orientation is.

So there is no question of teaching children that they can’t choose their behaviour – of course they can! Nor is there any question of teaching that anal sex is equivalent to sex, if by that we mean simply that they are (obviously) different things – if we are not talking about their moral character.

You ask in your post, are not children “entitled, at very least, to factual information from which they can work out the pros and cons of sodomy for themselves?”

Apart from the fact that on the whole children recieve good sex ed in schools in the UK so the issue doesn’t arise; I still wonder – since you didnt answer my question above – what do you think are the pros and cons of anal sex?

Reply

John Allman

Monday 25th March 2013 at 13:12 Edit

@ Ed

“nobody chooses who they are sexually attracted to” [Ed]

I disagree. I make hundreds of such choices every year of my life.

“nobody chooses what their orientation is”

I don’t *understand* that assertion of yours. Since I don’t understand it, I’d better not agree with it until I do. I don’t know what you mean by the term “sexual orientation”. There are so many competing definitions. None of them seem to define a biological attribute that can be measured scientifically. Behaviour can be observed, but behaviour isn’t orientation. Forest Gump might have said, “Stupid is as stupid does”, and others might say, “If it walks like a duck”, but (we have agreed) that principle does not apply to sexual orientation. Professions of sexual identity, i.e. statements that the speaker “is” gay, tell the listener that the speaker has made a *choice* to self-identify, as having a “homosexual orientation”. But what does the speaker actually claim to *have*, by saying that he “has” a homosexual orientation?

What the speaker does NOT mean to tell the listener, by making the statement that he “is” gay, is either of the following:

(a) that he has merely made a choice to make that statement; or

(b) that he practises homosexual behaviour.

He is, rather, making an ontological claim about the person he *is*, “inside”, so to speak.

The worldview of Stonewall and others seems to be that there is a first group that practises homosexual behaviour, that there is a second group that professes homosexual identity (the claim to have homosexual “orientation”, or to “be” homosexual people), and there is a third group that actually possesses homosexual orientation. It is possible to belong to any one of these three groups, without belonging to either of the other two, and an entire set of jargon associated with belonging to one group but not another, such as to be “in denial”, or to be “in the closet”. You have accused me of “conflating” these three groups, but that is not something I have done intentionally or exceptionally badly. Rather, I say, pro-homosexuality activists tend to be rather more guilty that I am, of the conflation of the different qualifications for membership of each of the three groups.

The first two groups are well-defined, by the *behaviour* of the first group, or what the members of the second group *say* about themselves. But how the third group is defined is a mystery.

Please allow me to use an analogy, to explain my problem with the entire concept of sexual orientation. On discussion boards all over the world, you will find atheists who gleefully draw attention to the sins of professing Christians. “If God exists, he must be horrible, judging by the behaviour of his followers.” This is how the atheists might open their argument. They are often answered, inadequately, by would-be Christian apologists who will simply say that, judging by their dreadful behaviour, the offenders concerned couldn’t possibly have been “real” Christians. If they had been “real” Christians, it is claimed, they would not have been able to commit the dreadful sins or crimes concerned.

Those who say this are usually referring to, as “real” Christians, those who are in the *ontological state* of having been “born again”, and hence are “real” Christians, Christians on the *inside*. That *special* usage of the word “Christian”, does not describe an attribute that is scientifically observable. All that are directly observable are the professions of faith (“I am a born again Christian”), and the behaviours of those who make such professions. Not surprisingly, therefore, the “not real Christians” argument therefore attracts ridicule from the atheists, for its circularity.

What, other than by self-identity, or by behaviour, does it mean to say that somebody “has” a homosexual orientation, or “is” gay? I put it to you that the concept of having a homosexual orientation is exactly the same *sort* of concept as the concept of having been born again! The deeply *unscientific* concept of *having* a homosexual orientation – or of *being a homosexual person* (perhaps even somebody who was “born gay”) – is a concept of *being different inside*. For the purposes of enabling rational dialogue between people who believe in universal sexual orientation and others who are sceptical of this entire system of doctrine, the concept of “sexual orientation” as a state of *being different inside*, separate from practised behaviour or articulated identity, is every bit as controversial, unscientific and *unhelpful*, as is the Christian concept of being a different person inside, as a result of having been born again, when the latter concept is invoked in dialogue (including flame wars) between Christians and atheists.

Reply

Ed

Monday 25th March 2013 at 16:18 Edit

Personally I don’t think this is much of a problem, pragmatically speaking. We don’t, on the whole, I think, have any problem with the concept of desire. Almost nobody would respond to the statement “I like cake” by pondering whether the statement-maker really does like cake, or only says he does but doesn’t eat it, or else eats cake but doesn’t actually like it. In most situations we just accept that the person likes cake and that’s it. But that would be a mundane case of something inside that can be settled only by reference to utterances or actions.

But alright, lets do away with the idea of orientation. I suggest we confine ouselves to desires (and/or attraction). I find it uncontraversial that if a man has a first-order desire to have sex with another man then that man is gay. This, I’m pretty sure is what I mean by sexual attraction.

First-order desires being what they are, they cannot be chosen. You cannot choose to desire to eat cake. You may choose to act on that desire; you may even have a second-order desire not to get fat and so choose not to act on the desire; but you cannot choose to have that desire in the first place.

Into this category I put sexual desire and/or attraction. So unless there is some misunderstanding about the meaning of ‘attraction’ here, I find it profoundly strange that you think you regularly choose who to be sexually attracted to. Certainly I can’t, and I would argue no other person can either. I am either attracted to a person – and thereby desire to kiss them or touch them or have sex with them or whatever case may be – or I am not. I may choose whether to act on that attraction, but I cannot choose to have the attraction in the first place.

So I’m curious about how you think you can choose who to be attracted to, and I would like you to explain how.

————————————

For the third time, I’d still like your answer the following: what are the pros and cons of anal sex that children should be taught about?

Reply

John Allman

Monday 25th March 2013 at 17:36 Edit

“I’m curious about how you think you can choose who to be attracted to”

Because I’m not a robot, that’s why.

“what are the pros and cons of anal sex …?”

If you need to ask, perhaps your own sex education wasn’t as “good” as you said earlier that sex education already was, in British schools.

Reply

Ed

Monday 25th March 2013 at 23:42 Edit

Funnily enough, it seems to me that if you can in fact choose who to find sexually attractive, then that rather than the opposite would make you a robot. There must be a misunderstanding here, so lets break it down further:

Do you accept my explanation of desires – do you accept that, for example, if someone who likes cake sees a cake she cannot choose to desire to eat it? (Granting that she might override that desire with a second-order cognitive desire not to get fat or overfull or whatever.)

——————

Re anal sex: let me try this formulation – what do you think are the pros and cons of anal sex that children should be taught about?

Reply

John Allman

Tuesday 26th March 2013 at 01:37 Edit

Ed, why don’t you start a blog of your own, and write an essay there, about cake, first order desires, anal sex, and any of the other things that you find interesting? You could invite me to comment on your blog, if I

suddenly become interested in any of these other topics. And, when you have done that, you can read my post again, and comment intelligently about what I’ve actually written about, whilst you are waiting to see if I want to talk about your very different and diverse interests.

Reply

Ed

Tuesday 26th March 2013 at 09:35 Edit

I don’t think these are different inerests at all. I’m trying to understand your point of view precisely as epoused in your post – no new blog is necessay.

The thing I have most difficulty with is this idea that anybody can have a choice about who to find attractive. It really is completely unfathomable to me, akin in my mind to being able to choose to desire something. For this reason I’m sure that there must be a misunderstanding somewhere between us and i’d like to try to find out what it is. Perhaps I’m missing something; perhaps you’re misinterpreting me; perhaps I’m misinterpreting you. Wouldn’t clearing that up be a good thing? Isn’t a proper dialogue between members of opposing groups something to strive for?

So in order to get to the bottom of this misunderstanding I ask you wether you think you can choose to desire something simple like cake – because for me the involuntariness of liking cake is akin to the involuntariness of finding someone sexually attractive.

Now, your original post is ostensibly about what you call the myth that nobody chooses to be gay, and the effect of that apparent myth upon children. We’ve already established that by “choose to be gay” you don’t mean “choose to engage in homosexual activity” but rather something like “choose to find sexually attractive members of the same sex”. Since this is the case, and since (so it seems to me) desires and findings of sexual attractiveness are equally involuntary, is not a discussion about whether we have a choice to have a desire directly relevant to the post you have asked me to comment intelligently about? (I apologise if my remarks are too stupid for you.)

As for anal sex – the point I’ve been pressing is not plucked out of thin air but is pursued in response to a line of thought in your original post. You are very concerned that teaching children that homo- hetero- or bi-sexuality is not a choice may end up harming more children than it protects. But you don’t ever specify what you think that harm might be, and it is by no means obvious. Since your discussion of this revolves around your disquiet about the prospect of teaching children that sex and anal sex are equivalent (somethung that by no means follows from social attitudes towards homosexuality, but I won’t pursue you on this point), it seems reasonable to assume that it is this latter teaching which will be responsible for the harm you are so nervous about. But you don’t ever say why teaching the equivalence of sex and anal sex is a bad thing, instead leaving it to implication in the form of the rhetorical question quoted previously and reproduced again here:

“Are not [...] children with a choice entitled, at very least, to factual information from which they can work out the pros and cons of sodomy for themselves?”

What, we may wonder, is it about not being able to work out the pros and cons of anal sex that might lead children to harm? I can only speculate as to what you think this might be. So, in order not to misrepresent, and since it is not obvious, and since it is after all the whole point of your blog post to encourage thought about the implications for children of social attitudes towards homosexuality, I ask you:

What do you think are the pros and cons of anal sex? What do you think it is about not being able to work out the pros and cons of anal sex that might lead some children to harm?

Reply

John Allman

Wednesday 27th March 2013 at 12:19 Edit

“The thing I have most difficulty with is this idea that anybody can have a choice about who to find attractive. It really is completely unfathomable to me …”

The thing I have difficulty with is your idea that nobody make choices about whom they find attractive.

Are you unable to conceive of the possibility that developing and acting in a sexual way upon same sex attraction might at least have some disadvantages? If you cannot imagine this being true, I cannot see that any sort of evidence is likely to enable you to change your mind about that.

Reply

Ed

Wednesday 27th March 2013 at 08:36 Edit

Hello John, I’ve some further comments to make:

“I don’t see how it is going to be possible to strike a balance, between the interests of the following two groups:

– Children who might commit suicide if society is too hetero-normative for them to find life bearable, the future gays
– Children who are by no means deterministically gay, but who could end up gay in practice, by making the “wrong” choice, so-to-speak”

1) If those non-deterministically gay children who end up gay in practice are truly non-deterministically gay and have a genuine choice whether to be gay, what is to prevent them from simply choosing not to be gay once they realise they have made the “wrong” choice?

2) What, therefore, is “wrong” about choosing to be gay? Why is choosing to be gay the “wrong” choice?

3) If there is nothing “wrong” with the choice to be gay, does not the utilitarian balance favour the gay children forced to commit suicide, since suicide is much worse than simply making a wrong choice which can in any case be reversed?

Reply

John Allman

Wednesday 27th March 2013 at 13:15 Edit

@ Ed

To respond to your numbered questions:

1) If those non-deterministically gay children who end up gay in practice are truly non-deterministically gay and have a genuine choice whether to be gay, what is to prevent them from simply choosing not to be gay once they realise they have made the “wrong” choice?

What might prevent them, would be the same sort of considerations that prevent anybody from abandoning a behaviour that they didn’t have to adopt, once they have adopted that behaviour. The behaviour becomes part of who they have become, as a result of that choice of behaviour. Change, in the form of abandoning any behaviour, isn’t necessarily impossible, but it is notoriously more difficult than avoiding that behaviour in the first place.

2) What, therefore, is “wrong” about choosing to be gay? Why is choosing to be gay the “wrong” choice?

I put the word “wrong” in quotes myself, in order (in that context) to express the popular consensus, rather than an objective measure of rightness or wrongness, at least prior to the success (as I see it), of the “nobody chooses to be gay” social programming, in instilling sexual orientation determinism into the public’s mindset, which (people suppose) has neutered the ethical question.

This said, you must surely know that there are Utilitarian considerations that prescribe against widespread homosexuality, because of the undoubted health risks of behaviours that actually do get chosen when persons are trying to express same sex affection using sex acts. You have mentioned one such sex act yourself, many, many times.

It is my position that people consider that the choice to be gay in practice is just as good and as right as the choice not to be gay in practice, only because they believe in the simplistic determinism of “the myth”. They believe that any perception of choice is illusory. If people viewed the choice as the act of a free will, and the options between which the choice was made as equally capable of being freely chosen, and assessed merits and consequences of the options objectively, do you really think that many would say that homosexual behaviour was an equally wise choice?

What if we liberate ourselves from the idea that there is no free will, that our wills are in bondage to our nature, that we all merely appear to choose only that which we were always bound to choose? Can we not then be set free from the illusion that it is wrong to discuss the pros and cons of choices?

What the actual pros and cons are, of choices to become gay in practice, others have discussed. Almost always, they are heavily criticised, for not making the assumption that their critics make, that true, free choice is impossible. They are seldom taken to task for the paucity of the evidence they bring that one behaviour, for example, reduces life expectancy compared with another, or prevents the natural procreation of children. Rather, they are criticised for bringing any evidence at all, as though to do so was to be mean or even (it is often said) “hateful”. Though the evidence be ever so compelling, of what one should choose, if choice were possible, it is said that the evidence has no possible use, given that there are no free choices that can be made, which evidence, however compelling, would make into informed choices. No possible use, that is, except as an expression of alleged “hatred”, of those who make quasi-choices that they cannot avoid making.

3) If there is nothing “wrong” with the choice to be gay, does not the utilitarian balance favour the gay children forced to commit suicide, since suicide is much worse than simply making a wrong choice which can in any case be reversed?

Yes, but the “if” begs the question whether the choice to be gay in practice is a wise choice.

The determinism that many subscribe to subconsciously, portrays as bigotry the mere asking of the question whether there might be anything less than wise about the choice to be gay in practice. Those who condemn attempts to discuss the rights or wrongs, or the wisdom or folly, of choosing to be gay in practice, condemn those attempts on the basis that nobody chooses to be gay in practice. The only possible effect of attempting to discuss whether it is wise to choose to be gay in practice, is merely to upset those who *are* gay in practice, and who claim that they never really had any choice about this destiny of theirs, because (often) they claim that they were “born gay”.

Any researcher who attempts to document the harm suffered by practitioners of homosexuality, is condemned, as somebody who is expanding an area of scientific knowledge that ought not to be expanded, because this area of scientific knowledge has no possible good applications, only evil applications, including the causing of suicides that continued ignorance might prevent, if he were to leave well alone. The researcher is accused of wishing to cause this harm, by attempting to ascertain objective facts about the measurable health risks of homosexuality.

Reply

Ed

Monday 1st April 2013 at 13:08 Edit

I’ll respond to both of your last replies here to avoid running two threads at the same time.

“Change, in the form of abandoning any behaviour, isn’t necessarily impossible, but it is notoriously more difficult than avoiding that behaviour in the first place.”

As it stands this is a tenuous point. There are different types of behaviour, some of which are no doubt difficult to give up, some are not. The question is: which category do homosexual practices fit into? If I go for a run twice a week I don’t see why it should be difficult to stop doing that. Are homosexual practices materially different from this?

“you must surely know that there are Utilitarian considerations that prescribe against widespread homosexuality…”

Not having babies? The world is overpopulated anyway, better that fewer babies are born than more.

“…because of the undoubted health risks of behaviours that actually do get chosen when persons are trying to express same sex affection using sex acts.”

Now you’re getting somewhere. What do you think these health risks are? Are they not the same as heterosexual sex act health risks? And can they not be countered by education and safe sex practices?

“If people […] assessed merits and consequences of the options objectively, do you really think that many would say that homosexual behaviour was an equally wise choice?”

Depends on those merits and consequences – what do you think they are?

“What the actual pros and cons are, of choices to become gay in practice, others have discussed.”

This is passing the buck, if what you are doing is trying to avoid having to set out a positive case yourself. I want to know what you think the pros and cons are.

“Though the evidence be ever so compelling”

And what is this compelling evidence?

“the “if” begs the question whether the choice to be gay in practice is a wise choice.”

You then go on to explain how any suggestion that homosexual practices might not be wise is invariably met with derision and accusations of bigotry. But you still don’t explain why you think being “gay in practice” is not wise. Telling me that it’s obvious or that others have already said so is not good enough – I am asking you, not those others. If you’re reluctant to say what you think because of the danger of a possible backlash, I can only reassure you that I am interested in discussion, not mud-slinging.

“The thing I have difficulty with is your idea that nobody make choices about whom they find attractive.”

Ok John. I’ve tried to explain to you why exactly I find your position untenable (all that stuff about desires) and have asked you to elaborate your views on several occasions. Each time you have either simply ignored what I said or else passed it off as irrelevant and responded only with this kind of flippant remark. Of course, this is your blog and you may do with it as you please, but your reticence on this point is revealing. It suggests that you know your position is weak but for whatever reason you won’t admit it and so resort to bare assertion.

“Are you unable to conceive of the possibility that developing and acting in a sexual way upon same sex attraction might at least have some disadvantages? If you cannot imagine this being true, I cannot see that any sort of evidence is likely to enable you to change your mind about that.”

You put the cart before the horse. Whether I can conceive of disadvantages to homosexuality is not relevant: I am the one challenging your stated views, not the other way round. Evidence should be introduced for the purpose of defending those views, nothing more. Perhaps a successful defence will convince me that you’re right, perhaps not; it doesn’t matter. If you avoid the responsibility to provide evidence for your opinions simply on the basis that your interlocutor won’t be persuaded, what you say is, again, reduced to mere assertion.

Reply

John Allman

Monday 1st April 2013 at 14:54 Edit

I was not setting out, in this posting, to make a case against homosexual practice myself. I was drawing attention to the falsehood of the myth that is behind the commonplace denunciation as bigots, of those who do argue that homosexual practice is harmful, and that it should therefore be avoided by individuals and discouraged by society, and certainly not presented to children as “normal”.

You are now inviting me to make an argument against homosexual practice. Although I don’t want or need to do that here, that you are so eager for me to play that different “game” with you, suggests that you have arrived yourself, at the realisations that I hoped readers of this posting would arrive at. The realisation that it is far from pointless for people to attempt to make a case against homosexual practice. Plus the realisation that it is possible for people to argue against homosexuality with good motives. Plus the realisation that there may well be a sound case to be made against homosexuality, a case you have become impatient to hear from me, of all people.

In talking about what I have called “the myth”, I believe that I have identified accurately one of the main reasons, why some of those who do try to make a case against homosexual choices, often find that their words are falling on deaf ears. I have argued that it is because their listeners think subconsciously that the opponents of homosexuality are knowingly arguing against choices that those who make those choices do not make freely, and which nobody ever can make freely. That’s what I set out to debunk: that deterministic thinking.

Judging by the questions you seem now to be demanding that I answer, I have succeeded in my goal of debunking the determinism of the myth, as far as you are concerned. You now appear to be eager to listen to arguments against homosexuality. As I have made it clear, I do not want to present arguments against homosexuality myself. I am content to have succeeded in enabling you to reach the new level of understanding that you have. The understanding that those who *do* make arguments against homosexuality (as you have invited me to do), are *entitled* to do this; and that some of them might even have good arguments. Your insight seems to be superior to that of the many others, who appear still to believe that opponents of homosexuality are all just out to be gratuitously annoying, for the sake of being annoying, to an entire, naturally-occurring demographic or subculture, whose helpless members were all biologically fore-ordained from before birth, to belong to that demographic, or to join that subculture.

You now seem keen to learn what the arguments against homosexuality are. (So keen that you want to learn those arguments from *me* of all people!) But you really don’t need my help for that journey of discovery, and I am not offering it at present. The arguments against homosexuality are probably going to be easy for you to find.

Where those who have published arguments against homosexuality have allowed comments, you will probably find a preponderance of comments dismissing those arguments, and insulting those who published them. You will probably notice that the critics almost never point out anything wrong with the arguments against homosexuality, or refute the evidential basis claimed in support of those arguments.

The majority of the objectors, will instead almost certainly use slogans similar to the “nobody chooses to be gay” slogan in my opening sentence. A few of the objectors, may instead try to ascertain or to guess what religious beliefs the critics of homosexuality hold if any, and will attack those beliefs, rather than engaging at all with the argument actually made against homosexuality. You will know better to engage in either of those tactics yourself. You will instead meet the arguments against homosexuality square on. And you will, of course, defend the opponents of homosexuality, against any dumbed down “nobody chooses to be gay” arguments that any enthusiasts for homosexuality try to get away with. Won’t you?

Reply

Ed

Monday 1st April 2013 at 18:05 Edit

I find this response evasive and more than a little disingenuous. Your stated aim was not simply to challenge the ‘myth’ that nobody chooses to be gay, but also to suggest that its widespread acceptance risks harming children. If it’s going to harm children it’s only because some children might end up gay who wouldn’t otherwise and that this will harm them. If this will harm them, it can only be because engaging in homosexual activity is a harm. Without this harm you have no point to make, so it is incumbent upon you to say what that harm is.

Nevertheless, lets accept your shifting of goalposts, and pretend that all you wanted to do was attack the ‘myth’ as you have defined it. In this case, you have provided no evidence for your claims; all you have done is asserted as false a ‘myth’ that as far as I can tell nobody ascribes to anyway.

I’ve challenged you to explain how you think it is possible to choose to find someone attractive, having given reasons for thinking you’re wrong, and you have failed every time to come up to proof.

Without such an explanation, I can only conclude that you have no case.

Reply

Tony

Sunday 8th March 2015 at 09:31 Edit

It sounds to me as if Ed has no case. Somebody must be very stupid and ignorant if they are unaware that buggery causes physical harm to the anus and to a lesser extent to the penis as well. The anus, unlike the vagina, is not designed for sexual intercourse. It is not elastic, it is not elastic, it is not lubricated naturally and it is crooked. Contact with the anus and waste matter cause infection. That is how AIDS began and that is one reason why homosexual men have such a high rate of venereal diseases. Homosexual men typically suffer from damage to the anus causing incontinence in later life, and have to wear nappies. They also suffer from a wide range of other symptoms which used to be called “gay bowel syndrome* until that term was shunned as non-PC. These side-effects range from mere colon inflammation to bowel cancer. Young men in their twenties have to be fitted with colostomy bags.
Nurses and doctors regularly come across cases of queer men who have got everything from vibrators to coca-cola bottles forced up their anuses and need to have them surgically removed.
It is a total insult to normal people to equate buggery with normal sex in any respect or for any purpose. Perversion should not be normalized either by law or by general apathy.

Reply

Pingback: British court upholds US-style “Don’t ask, don’t tell” policy | John Allman, UK Edit

Pingback: Why foster carers, but not natural parents? | John Allman, UK Edit

Ellie

Thursday 11th July 2013 at 07:55 Edit

A substantial part of your argument hinges on the dangers of anal sex when compared to ‘normal’ sex. How does the moral character of the situation change for lesbian women (of whom I can find very little trace in your post)?

Reply

John Allman

Thursday 11th July 2013 at 18:21 Edit

Thank you for your comment, Ellie.

My post doesn’t mention “anal sex”, or use the word “normal” (with or without quotes) before the word “sex” like that. You must be reading something into my “argument” because of the punning headline, and the suggestive picture at the beginning.

However, all of my daughters are grown up now, whilst I still have a son in the target age-group. For an example of one proposal to target children as young as five, see

Same sex parents ‘should be featured in school books’

There have also been proposals for teaching children about homosexuality in *pre*-school.

I am male, so all of my experience of homosexuality has been male-on-male.

I wasn’t therefore specifically thinking about female-on-female homosexuality when I wrote the post. But there again, my “argument” isn’t gender-specific either. It is *your* perception that my “argument” doesn’t cover female homosexuality, based upon the same misunderstanding as Ed showed, in his earlier comments. (Ed was also trying to divert the discussion to one about “anal sex”.)

Reply

Ellie

Thursday 11th July 2013 at 22:12 Edit

Sorry for the confusion, John. I assumed when you used the word sodomy you were referring to anal penetration. I wasn’t aware it had another meaning; could you clarify what you mean by it?

Reply

John Allman

Thursday 11th July 2013 at 23:27 Edit

The word isn’t only used with that one meaning. I wasn’t using it with any of the various broader or narrower competing definitions in mind.

Reply

Pingback: Je suis James. | JohnAllman.UK Edit

Broadwood

Wednesday 17th June 2015 at 09:15 Edit

For some more hard statistics on this topic, do check out ‘My genes made me do it’ – A great site, including a free e-book by a New Zealand based scientist who is tired of the myths and lies and has collated a great deal of good scientific data. It includes such gems as – solid evidence that the great majority (80-90%) of 16 year olds who identify as gay/bs will no longer do so by their mid-twenties.

Reply

Broadwood

Wednesday 17th June 2015 at 09:18 Edit

Oops! amended link – mygenes.co.nz

Reply

aformersexworker

Saturday 27th June 2015 at 14:32 Edit

Just a thought that occurs to me…

I am very heterosexual, I would find sex with another woman utterly repellent, so that I genuinely cannot conceive of a woman choosing to have sex with another woman unless there was something dramatically different about her sexuality and mine.

Perhaps this curious idea that gender orientation is a choice comes from the heads of people who are at the centre of the spectrum and capable of desiring both men and women, as I am not?

In other words, it seems to me that only bisexuals see homosexuality as a forbidden treat to be resisted…full heterosexuals cannot see the appeal and full homosexuals cannot see the appeal of heterosexuality.

Incidentally, a very sweet gay friend of mine vividly recalls wanting to marry Jolyon in the 1967 “Forsyte Saga” (actor Michael York) as a toddler of about 3 or 4…probably not evidence of a preference for sexual dissolution at that age…

Reply

John Allman

Saturday 27th June 2015 at 15:33 Edit

“only bisexuals see homosexuality as a forbidden treat to be resisted”

That isn’t *exactly* how I would summarise my *own* thoughts (which are expressed quite widely on this blog), but it is an excellent bite-sized approximation to *one* of my thoughts, expressed in a way that ought to make it immediately understandable to people who are locked into a belief that innate and immutable, biologically-based sexual orientation, not subject to the exercise of human free will, is an objective reality. So, thank you very much for sharing that thought of yours, which is a valuable contribution indeed.

People have said that the demand for “same sex marriage” is merely a demand for “equal marriage”, for “gay” people. Others have said that it is the thin end of the wedge, and will make demands for state registered polygamy irresistible. It is customary to ridicule that argument. However, I think (from your comment) that you have the brains to realise that, if and when people who “identify” as “bi-sexual” (who are presently keeping jolly quiet whilst the gays consolidate their victory) get around to demanding “equal marriage” for themselves too, what they will logically have to demand, is nothing less than the right to be “married” to two people at the same time, one of the opposite sex, and one of same sex as themselves. Stopping arbitrarily at monogamous same sex marriage, is the ultimate in bisexual erasure.

I think you might also enjoy another post of mine: “What’s in a name? There’s LOTS in a name!”

Reply

JohnAllman.UK

BY JOHNALLMAN.UK | TUESDAY 15TH JANUARY 2013 · 20:22 | EDIT

The mild misgiving that dare not speak

Relate website, about Sex Therapy

By all accounts, Gary McFarlane never discriminated against anybody. He delivered relationship counselling to same-sex and different-sex couples alike.

He was training to deliver sex therapy, a second string to his bow. He answered an unexpected and entirely hypothetical question. Would he feel comfortable delivering sex therapy to a same-sex couple?

Sex therapy reportedly involves discussing foreplay and sex acts. The therapist prescribes physical activities for the couple to practise between sessions as homework.

Gary and fellow members of his faith community typically believe that the acts he would likely have ended up having to talk about, are sinful. I dare say sex therapy tends to work best if the couple and the therapist feel comfortable together.

Most people wouldn't feel comfortable delivering the sort of service that sex therapy is, to *anybody*. Gary wasn't at all sure that he would feel comfortable delivering sex therapy to a same-sex couple. I imagine that there might be other people who wouldn't feel completely comfortable delivering sex therapy to anybody *except* same-sex couples. I wouldn't begrudge them such a niche specialisation. Sex therapy is hardly the ideal subject for a "those who can't, teach" approach. Some sexual acts are (shall we say?) rather specialised tastes.

Gary just blurted out the truth, that he wasn't sure whether he would feel comfortable. His reasons? Those are irrelevant to the legal arguments that I think should have succeeded, when he took his employer to a tribunal, over what happened next. Relate retaliated by firing Gary from his job.

I cannot see how any couple would be disadvantaged, by being denied the opportunity of choosing as their sex therapist, a particular practitioner, who felt uncomfortable working with them, but couldn't dare to admit it. I cannot see that weeding out of the sex therapy profession, any trainee who isn't sure that he will be equally comfortable delivering sex therapy to same-sex and different-sex couples, is necessary (or "proportionate"), in order to maintain the standards of service that the sex therapy profession as a whole delivers to its clients.

Poor Gary wasn't even allowed to return to his relationship counselling role, in which he had delivered that service to same-sex and different-sex couples alike. Instead, he was made jobless, for a "thought crime" that I think ought to be "decriminalised" without delay.

Is it in anybody's best interests, for couples unknowingly to receive sex therapy, from sex therapists who are secretly working far outside their comfort zone, under duress? I wouldn't want to. Would you, dear reader, whether you self-identify as gay, straight, or neither?

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2 responses to "*The mild misgiving that dare not speak*"

nw72ja
Sunday 20th January 2013 at 01:02 Edit

McFarlane's case illustrates the present vogue that a Christian's faith shouldn't have a cost. There has been talk in the some of the Christian blogs and (creeping ever to the Right) Christian media that the failure of this and the associated cases is a subverting and suppression of 'Christian Conscience' in the public sphere. But is this really the case? Two of the cases are wholly focused on rather limited issues around homosexuality – or excusing homophobia, depending how you look at it – the case of McFarlane is highly suspect, given the man's willingness to give sex therapy to unmarried couples – where was his 'Christian consciousness' then? And FYI, just because someone is not gay, doesn't mean that their sex life

is 'virtuous' – indeed it is strange, with all that spills from the sex obsessed minds of a certain flavour of reactionary conservative Christian that nothing is said about what actually constitutes Biblically endorsed heterosexual sex. Is it just penetrative vaginal sex? Is role play allowed? Or anal or oral sex? Why has McFarlane only spoken out about counselling homosexuals? Surely there must – at least on occasion – be aspects of heterosexual sexual relationships he might feel are also sinful… But no, this doesn't appear to have been a problem to him – which I think demonstrates that the courts were right to dismiss his case for the hollow bleating that it is.

If the focus of these 'professional martyrs' was a little more even handed then they would be credible. We've yet to see Christian Concern, or the Christian Institute or whatever 'Ambulance Chaser for Jesus' support the case of a banker or lawyer or business man etc. refusing to make an investment or take a case or do a deal because they were stricken with by their 'Christian Conscience' – which is highly suspicious when you think about it… but of course bankers, lawyers and business people are far better paid than public sector or voluntary workers and no doubt the fat pay cheque is ample compensation for any infringement of their Christian conscience? And perhaps banks, law firms and businesses aren't as likely to be a soft touch like a local authority or registered charity? No, the focus has been disproportionately on 'easy' morality, a convenient minority, a low investment, high return moral stance, where if you don't happen to be gay, it's no challenge to you and your life – and as such demonstrates just how morally bankrupt is the more vocal 'Christian Conscience' in our present society. I am sure there are many issues in business and government – far removed from sexuality and trinkets around the neck – where a voicing of Christian Conscience would have been welcome. But in reality, the only time we've really see a militancy on the part of political Christianity has been concerned with homosexuality and jewellery… Which I think is pretty sad, when you come to think about it, don't you?

As an aside, I do think it is ironic that we hear so much at present from reactionary conservative Christians about 'freedom of speech', 'freedom of conscience' and 'freedom of religion' – yet for much of the history of political Christianity – where Christianity has had a hand in the government of Western nations, it is Christianity that has suppressed 'freedom of speech', 'freedom of conscience' and 'freedom of religion'. The blood spilled, the victims tortured and the martyrs burnt at the stake to suppress the heretic, the Catholic or the Protestant is conveniently forgotten by reactionary Christians wanting to claim as their own the fruits of the Enlightenment and social liberalism – fruits that when they had the power, they allowed to rot on the tree. Even until fairly recently in Britain, Catholics and Non-Conformists were denied access to certain professions or the right to hold land – and even now (until the law changes in the near future) an heir to the British throne cannot marry a Roman Catholic.

So please stop your whining, telling half truths and playing the victim card. McFarlane et el lost their cases, fair and square – and perhaps you should have the humility to accept that, perhaps even try and spread a little forgiveness, try being a peacemaker, instead of throwing petrol of the fire, try turning the other cheek… But these requirements of the Bible are personal, they apply to each and every Christian… So I can understand the attraction of Lev 18:22. An easy, pre-packed, ready to wear righteousness… The only real casualty is the Gospel itself. But the likes of you can't see that…

Reply

John Allman

Sunday 20th January 2013 at 02:31 Edit

Thank you for sharing some of your thoughts, "nw72ja". Might there also be something or other that you wanted to write in reply to anything I had actually written?

Reply

JohnAllman.UK

BY JOHNALLMAN.UK | TUESDAY 13TH NOVEMBER 2012 · 00:53 | EDIT

Burning the poppy

This poem, which I've pinned to the top of the blog because I like it so much, was my response to the 2012 Daily Mail story, Teenager is arrested for burning poppy on Facebook.

BURNING THE POPPY

I choked back my tears, as I pondered the rhyme
On 11/11, at just the right time,
In my home town square, where the wreaths had been laid
And the mayor wore his chain, and the Last Post was played.
"For their tomorrow we gave our today."
Shall we squander such sorrow? Throw tomorrow away?

A giddy young man set a poppy alight.
This brave new tomorrow, that's his human right.
I cannot fathom this young man's rage,
Which might have "gone viral", left up on his page.
But was it sincere, the remembrance he tested?
Were we glad or appalled, when this lad was arrested?

"He has no respect!", some of us cried,
As though we'd forgotten why others had died
Bent double like beggars, in trenches, in squalor.
It quite slipped our minds, the reason such valour
Had been demanded of their generation.
They gave their today, for the sake of our nation.

The bobbies today are much younger than I;
Less able than ever to understand why
My dad, who loved peace, played his part in a war,
Then taught his three sons what that war had been for.
An informer phoned in, said, "A poppy's a-light!".
The culprit? Arrested! To hell with his "right"!

I can't figure the meaning, to tell you the truth,
Of burning the poppy, in the mind of the youth.
But I know what that image speaks of to me:
Of those who died, so that *he* could be free.

Though the money I gave, the legion can keep,
I must too burn my poppy, before I can sleep.

The man that I am, who almost cried,
As I wore my poppy, with sadness and pride,
Has found a new meaning to letting it burn
As I ask fellow countrymen, "When will we learn?",
And hypocrisy mourns for those killed in just war,
But then sets on fire what they had died for.

With different meaning, his gesture I'll copy
By putting a light to my own paper poppy;
Not from contempt for the glorious dead,
But out of respect; for, it has been said,
These heroes suffered their undeserved fate
Lest England became just another police state.

Dedicated to my children, Lucy, Emily, Thomas, Kate and Noah.

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4 responses to "*Burning the poppy*"

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newssietk

Tuesday 20th June 2017 at 02:22 Edit

Reblogged this on News Sietk Blog.

Reply

JohnAllman.UK

BY JOHNALLMAN.UK | TUESDAY 25TH SEPTEMBER 2012 · 23:14 | EDIT

Stop giving tax-payers' money to the Terrence Higgins Trust

The Terrence Higgins Trust "charity" is by now a household name in the UK, but it has recently attracted a certain amount of apparently well-justified criticism, here and here and here.

Certain "now you see it, now you don't" shenanigans have been reported on the British government's official e-petition website, involving a well-supported petition to the British government, asking it to stop funding this particular charity with tax-payers' money. The petition was accepted for publication, but subsequently deleted once significant support had begun to gather.

Before today, there was still an "unofficial" e-petition that one could sign on Change.org, aimed at depriving the trust of future British government funding, but no longer a comparable e-petition on the official government e-petition site.

I have therefore taken it upon myself to create a new petition, which has been accepted, on the government's own e-petition site, entitled:

Stop giving tax-payers' money to the Terrence Higgins Trust

Please sign my e-petition (and maybe also the **Change.org** e-petition too?), if this is an issue that you also care about.

I'm telling you, folks, if they decide to delete *my* petition, like they did the first one, the government had better think up an excuse for doing so that at least sounds as though it might be "Wednesbury reasonable", or I'll see them in court! Go ahead, punks, make my day.

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13 responses to "*Stop giving tax-payers' money to the Terrence Higgins Trust*"

debbie Hawkings
Thursday 27th September 2012 at 07:28 Edit

I'm completely shocked, and I could not even finish reading some of it, because I don't want it in my head. Let's get as many reasonable and responsible persons signing this petition as we can. Sheer force of numbers will have to make the government listen. Thing is, I don't really want any of my friends and family to have this in their heads either, but it's the only way to do it. Sorry people, but remember "Evil thrives when good men (or women) do nothing." Just read enough of the links to get the picture.

Reply

John Fannon
Thursday 27th September 2012 at 12:39 Edit

I agree with Debbie. I saw earlier stuff about this organisation – it's like looking into Hell itself.
Even their logo is obviously sodomitic

Reply

Martyn Butler

Saturday 29th September 2012 at 13:39 Edit

I am shocked and horrified and will happily sign any petition that stamps out bigotry, misinformation, lies and intolerance.

The Terrence Higgins trust is facing up to the reality of the world we live in, by stopping its funding – which is highly unlikely to get much support – you would be condemning thousands of young people from receiving health education in the terms and language that they understand.

So if someone wants to start a petition to stamp out bigotry, and the unpleasant rantings of John Allman – let me know where to sign!

Reply

John Allman

Saturday 29th September 2012 at 19:24 Edit

It's obvious that you're "flaming" me for something, but you don't explain what for – not at all, never mind in a way that is related to the actual content of the post on which you are commenting. Did you not follow the links?

"Bigotry, misinformation, lies and intolerance" are serious allegations. Can you substantiate any of them?

Reply

Gower Street Hiv Week

Saturday 29th September 2012 at 15:26 Edit

Stupid idiots.....THT has done more to support HIV/AIDS than you will ever know.....and yes that means "STAIGHT"S" too why dont you take the time to read there whole site instead of picking the bits that offend your studid uneducated views?

oh and as aside what have you ever done to help the sick?

oh and why your at it why dont you admit you just sad homophobic idiots?

Reply

John Allman

Saturday 29th September 2012 at 19:34 Edit

If you think you know what my "views" are, and believe them to be "stupid", or "uneducated", why don't you say something, instead of just hurling insults at me?

It looks to me as though you haven't even bothered to look into the reasons why certain people are mighty displeased enough to learn what the tax-payer has been funding, in the way of so-called "health education", to want the funding to stop.

Perhaps you'd like to post a comment on what THT has done to "support" HIV/AIDS.

Reply

Dan Griffiths

Monday 1st October 2012 at 15:12 Edit

THT provides much needed education nationally, a god send where there are huge failings in the health system. THT volunteers actively go into public places as well as work places to provide much needed information that NHS campaigns fail to deliver to the areas that need it most. They offer councelling, literature, FACTUAL information, support groups, as well issuing free safe sex contraceptives by going out there into the public, not where the NHS are there for you to go to them – I'm not slanting the NHS but many are too scared to approach Clinics, cannot access them or don't know where to go. THT reach out to everyone, Gay, straight, Bisexual, they offer support to friends, relatives and partners or those living with or those deceased due to HIV. The government happily provides some funding as they recognise they do not have their own initiatives that provide the support this charitable and voluntary based organisation offers.

I worked for Barclays Plc and we all nominated this organisation as chairty of the year, where we all as employees raised funds to support the organisation as well as barclays providing their own donations as a responsible employer. They even came into our work place with free safe sex handouts including information about support and advice as condoms, etc. They are there for anyone who is seeking advice or support. How dare any small minded people try to stop the good work this organisation does! Why don't you go and contract HIV, for example, and go and see who else out there will give you the support you need, emotional as well as councelling, and see how far you get!. They work to educated people as well to stop the spread of infection, of all sexual health infections, promoting a healthy lifestyle. Very uneducated small minded people yet again trying to interfere with things that have nothing to do with them!

Reply

John Allman

Monday 1st October 2012 at 17:14 Edit

The government doesn't just provide "some" funding for THT. It provides *most* of THT's funding.

Do you approve of THT publishing, to minors, and at the tax-payer's expense, "health advice" on (not against, *on*) the practices of drinking urine, eating faeces, inserting forearms up recta and sucking semen from anuses? Why is it "small-minded" to object to this? Do you seriously count this as "good work", or as "educating people to stop the spread of infection", or "promoting a healthy lifestyle"? How are tax-payers showing themselves to be "very uneducated", when they object to their money being misspent in this way, and why do you think that this abuse of public money has got "nothing to do with them"?

Reply

Jack

Monday 1st October 2012 at 19:35 Edit

Don't be ridiculous John, those publications are only for gay men who engage in risky sex practices. They are not and have never been targeted at or distributed to minors. This is a falsehood that was recently spread by a right-wing religious organisation. I'd suggest you do some proper research before making such accusations.

Reply

John Allman

Monday 1st October 2012 at 21:17 Edit

How do justify publishing, at the tax-payer's expense, to *any* demographic, "health advice" on drinking urine, eating faeces, inserting forearms up recta and sucking semen from anuses? Even in the unlikely event that it could somehow be guaranteed (how?) that none of this bizarre health advice found its way to minors, why should my taxes or yours pay for this?

What "right-wing religious organisation" are you referring to, by the way?

Reply

James B

Monday 1st October 2012 at 22:10 Edit

THT is not promoting Scat or Watersports its merely explaining what the definitions are. There are very few people, gay or straight into those activities but just because we are not into them doesn't mean that THT shouldn't explain the FACTS around those practices for those who choose to do them. Yes straight people ARE into that sort of thing and educating them of the risks is better than ignorance. Sadly ignorance is in abundance on this blog. THT's website is an EDUCATIONAL forum not a forum for all you literally hysterical, narrow minded homophobes to dictate your personal morals. This is tiny side of all the brilliant work that THT has done over the years. They have saved many lives with their safe sex campaigns. I doubt ANY of you critics have constructively prevented the contraction of HIV/AIDS within any community.

Reply

John Allman

Tuesday 2nd October 2012 at 12:21 Edit

You seem to be saying several different things, that cannot all be true at the same time:

(1) THT isn't "promoting" practices such as drinking urine, eating faeces, inserting forearms up recta and sucking semen from anuses; it is merely "explaining what the definitions are"; i.e. introducing new slang terms for these activities to their reader's vocabularies, so that they can talk amongst themselves about drinking urine, eating faeces, inserting forearms up recta and sucking semen from anuses to other's, without listeners whose vocabularies don't include the new slang words knowing what they are talking about.

(2) THT isn't merely "merely explaining what the definitions are" after all. Rather, THT is *also* explaining "FACTS" that are "around" those practices. (Such as?)

(3) THT isn't just explaining FACTS, it's actually "educating" people of the "risks", this being better than "ignorance", you say. Except that, in the case of eating shit (as just one example), I didn't notice any "EDUCATIONAL" content, as to what the risks were, if any, of eating shit. Did THT say eating shit was safe, or say it was dangerous? Or did THT say NOTHING AT ALL as to whether eating shit was a safe practice?

(4) THT has saved many lives, with it's safe sex campaigns.

If you would like to dispel some of the "ignorance" that you say abounds on my blog, perhaps you could start by dispelling my own ignorance, as to which of your four conflicting statements is the version of the truth that you believe yourself. Is THT is merely explaining the meaning of certain slang words? Or is THT also giving out some "facts" about unhygenic-sounding practices that most people would never have thought of trying, until THT suggested it? Or is THT giving out sound, *educational* information about the *risks* of the practices to which it draws attention (without "promoting" those practices, or course)? Or, best of all, is THT helping to save lives, by mentioning the practices of drinking urine, eating faeces, inserting forearms up recta and sucking semen from anuses? (Forgive my "ignorance", but if the last option applies, how does this contribute to the saving of lives?)

Reply

Dan Griffiths

Saturday 6th October 2012 at 12:07 Edit

John, they are not promoting anything except education and knowledge of the facts. They DO NOT target minors – the information and handouts they provide are for anyone seeking such material of any age. The do not approach individuals, they make their presence known by wearing t-shirts identifying themselves, having small info stalls at various events etc. People approach them, the individuals can ask for specific info, they are free to take whatever handouts they would like, and their handouts range through a varied amount of topics, people can take all or what they feel is relevent to them. Yes some of the handouts describe each and every sexual practice there is, explaining in the plain language, why certain individuals may receieve pleasure from such practices, the dangers of such practices and most importantly… how to be safe if you do indeed indulge in such practices. I am a gay man, a dj for 7 years in well established gay night clubs and bars. My main club had a small informatio board setup in a corner, with booklets and condoms supplied by THT for anyone who wished to take them. THT' servivces have never been thrown in anyone's faces and certainly not targeted at minors. During my time being a dj for my club, it was common for individuals, gay and straight, to come to the club just to access the 'info corner' – they would say i just want to grab some of the booklets or get some condoms, they were allowed to enter the club free of admission to access the corner and then leave. May I point out that for any venue serving alcohol you must be 18 or older to enter. so, how is this targeting minors? As a gay man I like to think i lead a healthy sex life – watersports, fisting, scat etc is not my cup of tea at all but I am glad that I have been able to educate myself on such practices so I can understand what such practices involve – if i come across other individuals who find these formentioned practices appealing to them I am glad i at least understand the facts surrounding it. I am very happy to feel very sexually educated, even on such practices that hold no interest to me. Surely obtainable education has to better than ignorance, sexually or otherwise? Again may I stress THT NEVER approach indivudals and ram stuff down their throats (no pun intended). They make their presence known, for individuals to apprach them on any topic they may like to discuss, query, or just to obtain much needed safe sex literature or condoms, etc. I have always said each to their own, may not be my cup of tea but if people are consenting, it is behind closed doors and it does not effect others, then knock yourself out. And you cannot promote sexual desire – it is your own desire, you cannot be conditioned or coerced into something that has no appeal to you what so ever. Again I stress, its info for those that seek it on the topics or areas that are of personal interest to them. And yes John I apologise that i got it wrong, THT gets most of their funding from the government. Why do you think that is John? Because it is a much needed service. Or would you prefer we all live closed lives with no understanding of individuality and taking responsibility for our own personal safety no matter what the activity or activities that interest an individual or wish to indulge or pursue? Let people get on with their lives how they wish and let them be able to educate themselves without being judged

Reply