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A Reply to “Why ‘Sex’ Is Not Equal To ‘Race’”

An article I recently read on Townhall.com and entitled “Why ‘Sex’ Is Not Equal To ‘Race’” dealt with the recent Californian court decision on gay marriage.* Unfortunately, the author, Mr. Kevin McCullough, focuses on a variety of irrelevant topics in his article.

What follows are my replies to various excerpts from the article.

The sexual behavior that one chooses to engage in, will never be equal to the status of a person’s race.

This is a subjective opinion with no relevance to anything. Aggression is unethical no matter what “status” one wishes to assign to the victim.

Confusing these two truly different concepts is dishonest.

It is only dishonest if the confusion is intentional. If the confusion is accidental, it can hardly be dishonest.

But more importantly, implying-that-aggression-against-homosexuals-is-justifiable-because-orientation-is-not-the-same-thing-as-ethnicity is irrational and unfounded.

And those who claim otherwise do so for manipulated outcome to redesign society.

If a society does not adhere to the non-aggression axiom, then it is a society of criminals, and deserves to be punished for its crimes.

But I have to ask, Mr. McCullough, are you intentionally implying that there even needs to be a desire to redesign society? If so, then this is false. It is highly unlikely that every member of a given

* Kevin McCullough, “Why ‘Sex’ Is Not Equal To ‘Race,’” *Townhall.com*, 31 May 2008, <http://smallurls.net/1933> (accessed 4 June 2008).

society is going to be an aggressor, and thus only that *segment* of society that engages in aggression, in crime, needs to be punished.

Normal people have understood this since the beginning of time.

This is a straw-man argument: You're implying that those who oppose crime do so because they refuse or are unable to admit a difference between orientation and ethnicity, and that this refusal or inability indicates abnormality. It is not that we fail to see a difference, but rather it is that we fail to see why *any* person, regardless of race, gender, age, ethnicity, or religion, should be victims of aggression.

In other words, it's not that we find no difference between ethnicity and orientation, but rather that the difference is not meaningful to the non-aggression axiom. It is irrelevant, and a red-herring, as rational people have understood since the beginning of time.

The activist California Supreme Court does not. In the court's recent ruling pertaining to the mandated attempt to redefine marriage - and to tyrannically force that redefinition upon the voters of California - four judges raised the choice of sexual desire, inclination, and behavior to the same level of class status as racial ethnicity.

I have not read the court's decision, and therefore cannot comment thereupon. But no state has any authority to define marriage in any way whatsoever. Marriage is simply a contractual relationship between one or more persons, and any state that steps in and tries to impose its definition of marriage is tyrannical and deserving of abolition.

In doing so they set themselves up for more problems than they can envision because of such a leap of logic, lack of scientific evidence, and the general willingness to override the votes of 63% of the Californian population.

Democracy is the tyranny of the majority. It is the means for a 63% majority faction to infringe upon the legitimate, natural, inalienable, negative rights of the other 37%. I don't want democracy, I want Liberty!

These four judges have equated, in the eyes of the law, the choice of who one chooses to bed as being equal to what color of skin a person is

born with. In doing so they have now laid down future arguments for further redefinition of marriage to include nearly any sexual union in both number and combination that a person can imagine.

They should have ruled that any and all government control over marriage is naturally illegitimate, and that the natural, inalienable, negative right of individuals to contract with one another should not be infringed upon.

Unfortunately, as long as marriage stays in the hands of the state, we will not have this sort of freedom. There will continue to be bureaucrats limiting the number of individuals that can marry a single person, thereby preventing the legitimate structure of voluntary polygamy. There will continue to be politicians that impose their arbitrary whims in deciding what constitutes a "marriage," based either on age or ethnicity or religion or whatnot. In short, as long as government controls marriage in any way, it will continue to impose tyranny over those who would otherwise seek contractual relations with one another.

By redefining marriage, but then limiting that redefined definition to only include "pairs" of persons, the court has opened itself to claims of discrimination from bi-sexual persons who may very easily wish to be in a legal sexual "relationship" that includes a person of both genders, not to mention heterosexual polygamists.

You're looking at this the wrong way. We libertarians *want* to allow voluntary, non-coercive polygamy, since limiting through state action it necessarily requires aggression. It is naturally criminal to engage in aggression, and any government that prevents polygamists from voluntarily entering into polygamist marriages is therefore a criminal gang. I, being a rational person, want to *fight* crime, not endorse it; and thus I wish to fight any and all government control over marriage, as said control is inherently criminal in nature.

The problem with the ruling is that it *keeps* government involved in marriage. What right has government to define *your* otherwise-consensual relationships for you as something other than

“marriage”? When government does this, it is not only infringing upon your individual Liberty, but also upon your natural, inalienable, negative right to freedom of religion.

What’s next? Is the government going to start defining for you whether the Eucharist is the actual body of Christ or just a representation thereof? If the state defines the Eucharist as the actual body of Christ, this would infringe upon the freedom of religion of protestants; if it defines the Eucharist as merely a representation of Christ’s body, this would infringe upon the freedom of religion of Catholics. Likewise, when the state defines marriage as being only between a man and a woman, it inherently infringes upon the freedom of religion of those who have joined the United Church of Christ (UCC). The only way for the government to please everyone is to build a wall of separation between marriage and state. Likewise, it *must* build such a wall if it wishes to cease being a criminal organisation.

Yet it is simple to understand why the judges are so wrong.

Yes: because they still think it’s a legitimate role of the state to define marriage. The power to define marriage should be devolved to individual churches, businesses, and the individuals themselves. The power to recognise or refuse the recognition of marriage should be held by every person, every business, and every church. As long as a government is involved, this power exists only in the hands of said government.

Pop culture tells us so. Consider the number two song in the country this week: Katy Parry's "I Kissed a Girl!"

This week? Isn't that song from the mid-'90s?

The weekend's biggest movie *Sex And The City* is reinforcing this belief with a closing monologue from the film's main character Carrie Bradshaw: "It's not in the label of being husband/wife, bride and groom, or man and woman that's important... it's getting beyond the labels and seeing the person..."

You actually *watch* that show?

Yet that is in essence the problem. We humans aren't mere collections of DNA, water, plasma, and bone. We are not in essence biologically "the

same." Men and women serve distinct purposes, functions, and roles in the furtherance of society.

Purposes? No human has any innate purpose. The purpose of a given thing is defined by its owner(s). Since each human is a *self*-owner, the purpose of each person must be defined by the self and no one else. It cannot be any other way.

Man has no innate purpose to procreate. The choice of whether or not to procreate is just that: a choice. If every human on Earth decides to cease procreating, is anyone thereby harmed? No.

A woman who is African American, can no more be a white woman the next day regardless of how much she wished to (if she even would). Likewise a Latino man could not go to bed one night at 5'8" and wake up the next morning to find he was black, 7'2", and the starting center for his local NBA franchise. Race and other truly genetic based parts of life - skin color, height, shape and forms of features are pieces of ourselves that only God Himself had the choice in determining.

I see no purpose in your bringing up red-herrings. They have nothing to do with the fact that aggression is criminal and thus must never be condoned.

The truth of the matter is we as humans have always had a natural urge to resist what is best for ourselves.

This is a subjective opinion, and one having no bearing whatsoever on the topic at hand.

The activists that argue for the redefining of marriage know this full well. But they love the pursuit of the perceived "forbidden" even more so.

Forbidden? Is it forbidden of me to pursue justice against criminals?

Well, in a world where society accepts the crimes of politicians as being justifiable in the name of some "greater good," perhaps it *is* forbidden after all. But regardless, my pursuit of justice derives no appeal from its supposedly being "forbidden," and is rather promoted by my overriding sense of ethics.

Aggression constitutes natural crime against the aggressed, regardless of whether the aggressor is a common thug, an agent of the I.R.S., or the very politicians who attempt to place themselves above the

law whenever they pass edicts that in some way violate the natural, inalienable, innate, negative rights of members of society.

It is my overriding sense of ethics that propels me to fight back against such crime, and if it happens to be that society perceives it to be taboo to oppose the institutionalisation of crime, then that is a real shame and nothing from which to derive any form of pleasure.

Over time, mere participation in private sexual matters does not satisfy and thus they have become more brazen in their attempt to radically change the face of human society.

I opposed the infringement of natural rights, the usurpation of natural Liberty by criminal aggressors, long before I ever engaged in even the most innocent of sexual relations. And with everything good in the universe as my witness, I will continue to oppose the infringement of natural rights, the usurpation of natural Liberty by criminal aggressors, until the day I die.

Their attempt is to make those who view non-traditional sexual arrangements as abnormal, the activists hope to force them to feel isolated, punished, and eventually silenced.

Boycotts are non-aggressive. If I wish to shun, and cease doing business with, those who would make fun of homosexuals, I in no way thereby infringe upon the natural, inalienable, negative right of the anti-homosexual to continue engaging in free speech. The anti-homosexual remains free to make fun of homosexuals, but if he or she chooses to use this free speech, he or she runs the risk of losing business and friends.

So what if the person making fun of homosexuals thereafter feels *isolated*? As long as this person's rights are not infringed upon, he or she has only two legal choices: (A) befriend those other bigots in society with whom he or she can feel comfortable, or (B) cease being a bigot.

If this bigot chooses to begin engaging in criminal acts (*e.g.* the act of preventing voluntary contractual arrangements from being arranged), then this person is a criminal, and may be punished. Such punishment would not violate the non-aggression axiom, since the criminal would be the

aggressor, and the punisher would be the *responder to aggression*. In other words, the aggressor is the one who initiates force, and the non-aggression axiom merely prohibits the *initiation* of force, not the total *use* of force.

Yet one overwhelming fact stares them in the face at every turn. God designed it so that only the sexual union of a man and a woman can create a life - and therefore extend society and civilization.

This is more irrelevant commentary, Mr. McCullough. Why do you constantly bring up things that have nothing whatsoever to do with the question of whether we as a society should condone crime?

If a black man and a white woman conceive a child - it will likely have a skin tone that mixes the look and characteristics of both racial make-ups. But two people of the same gender - through sexual expression - do not create a hybrid of what their two sets of genetic DNA consists of. Sexual orgasm by two people of the same gender - in fact - produces nothing.

And I should care why?

Look, Mr. McCullough, if you want to talk about rape, at least that would hold *some* relevance. Rape is inherently an aggressive act, and therefore is a naturally *criminal* act. It violates the non-aggression axiom. Homosexual sex, so long as it is entirely consensual, does not violate the non-aggression axiom.

Romantic pursuit, formulation of relationships, and engagement of sexual activity are determined completely by the actions, choice, and decisions of the persons involved.

And as long as the choice is voluntary, *i.e.* not coerced by one party onto another, no one's natural, inalienable, negative rights are infringed upon thereby. Since fully-consensual sexual relations violate no one's rights, it therefore must—by definition—be a violation of natural, negative rights for any non-involved party to intervene and forcibly prevent said relations.

(Of course, this is in a manner conditional—just like free speech. In the same way I have no positive right to cuss on your property, and must be granted the privilege of doing so by you if I wish to do so,

likewise I have no positive right to engage in sexual relations on your property without your consent. Conversely, a person has the right to cuss as much as he or she likes on his or her own property, and to engage in whatever form of consensual sexual activity he or she wishes on his or her own property. Rights are necessarily negative, since the "existence" of a positive right would negate the existence of the right not to be enslaved, therefore negating the axiom of self-ownership and coincidentally the existence of any rights whatsoever.)

Make no mistake, many a hard working black man has been overlooked for a promotion that he fully deserved - because of his skin color. Yet no one should be able to even ascertain the bedroom habits of one's co-workers except for yet one more choice - the decision to talk about it.

Racial discrimination costs the households of people of color thousands of dollars per year. Those who form non-traditional "romantic" attachments, and engage in non-traditional sexual practices have nearly three times the amount of expendable income on average than the normal husband/wife household.

I can't figure out for the life of me what any of this has to do with the crimes of politicians. Such criminals deserve punishment for their crimes, regardless of how much money certain segments of the population may or may not make. I can't figure out for the life of me what any of this has to do with the question of whether we should accept the tyranny of the majority. We should not.

Ultimately the citizens of California are smarter than the four arrogant black robes who sought to push an agenda down the throats of the voters.

The intelligence of the 63% majority faction versus the that of the 37% who chose not to infringe upon the natural, negative rights of individuals to contract with one another is in no way determinable by the sheer fact that one group was in a majority faction and the other was not.

Californians are able to assess that who a person calls on the phone, takes on a "date," or invites into their bedroom - has never been, nor will ever be close to equal to the color of a man's skin.

Yes, most Californians *are* able to *access* your subjective opinion. Nevertheless, your subjective opinion, which is *inherently* subjective and would not become objective even if it were to become shared by every living entity in existence, remains irrelevant.

And as such - it is increasingly apparent that rights, status, and standing should not be given special consideration over those elements of our lives we can control.

Natural rights are the only thing worth considering in law.

Addendum – 6 June 2008

I showed this article to a friend of mine, Mr. Jonathon Howe. He brought up a very interesting point which I feel necessary to include here. How I missed such an obvious blunder in Mr. McCullough's logic, I know not.

As my friend Mr. Howe writes,

It is amazing how often the term “force” is used in political discussions to mean “not force”. Previous California law forced gay couples (and, before 1948, interracial couples) not to get a certain legal contract. Currently, every couple over the age of 18 has the choice to get or not to get this legal contract. It is similar to a pro-gun-control website I once saw that said the NRA wants to “Force police to let people have assault weapons.”

I don't know why he spent so much time discussing race, perhaps the court cited *Virginia v. Lovers* (which the U.S. Supreme Court ruled a ban on interracial marriage is unconstitutional), or a 1948 California supreme Court ruling that it is unconstitutional under the state Constitution.

Sex is, however, just as genetic as race. If you have a Y chromosome, you're a male, if you don't, you're a female. Of course, you chose what sex you seek romantic relationships and legal contracts with, and you can choose what race or races you seek romantic relationships and legal contracts with as well. There really is no distinction in terms of choice *vs.* genetics.