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From: Craig Allan <allan@iafrica.com>
To: <akotze@parliament.gov.za>
Date: 2006/11/23 10:04 PM
Subject: Civil Union Bill

COMMENT on Civil Union Bill

The Civil Union Bill is good in that it corrects unconstitutional discrimination, but unfortunately clumsy, in that it is a band-aid patching up a problem, not a clear thinking back-to-basics approach. I would expect our parliament to be more clear-thinking on this matter.

The current role of the state in regulating marriages (or civil unions) is an ill-fitting mixture of sound legal practice relating to property rights and protection of the rights of individuals combined with messy layers of tradition derived from both culture and religious beliefs.

In South Africa, the constitution is clear that nobody has superior culture or religious beliefs - all are respected, but none are dominant. Given that the constitution guarantees equality of culture and religion, any statutory inclusion of religious and cultural practice into marriage legislation is contrary to the constitution. The reason is that for each culture/religion is de facto exclusive and discriminatory against other culture/religions. In other words, if you legislate culture and religion someone somewhere is going to get (rightfully) offended.

As far as possible legislation should be free of cultural and religious baggage. In South Africa, unlike the Vatican, or Saudi Arabia, it is not the role of the state to legislate culture and religion.

I believe that the role of the state in any legislation is to make the minimum intervention that follows the constitution, prevents discrimination and protects property and individual rights.

This country should have only ONE marriage act, written very generally, that applies to all and that allows all possible (legally sound) unions.

One Act that applies the property and rights clauses from all current marriage legislation and provides for any form of marriage one may desire. There is no culture in company law, where the stakes are so much higher - why should the marriage act require cultural baggage.

One example of baggage is the requirement that partners should hold each other with their right hands. Why? Where is the legal logic? Left-handedness is not a crime?

Another is that the door of the marriage venue should be open. An open door will not stop non-consensual marriages. Its just western christian tradition. Why legislate it? Is it Muslim, Hindu, African Traditional, Atheist or Scientologist tradition? Its not. Legislating christian traditions is obviously unconstitutional.

I'd expect the state to realise that if you strip off the cultural, romantic and religious dressing, marriage is no more than a means to achieving the universal desire of people to live together and share property in a long term stable arrangement. And that arrangement may

optionally be confirmed in a marriage contract, which the state recognises in legislation. Marriage doesn't have to have a contract - common law marriages work just the same as legal marriages, recognising property rights, but without the contract.

In a non-discriminatory marriage Act, all possible combinations would be possible: Different sex, same sex, more than two people. In common law, any consensual, co-habiting, resource sharing relationship of a reasonable length would be considered as marriage for property purposes.

Born-again Christians(M+F), Jewish Lesbians (F+F) and traditional (multi-partner) Muslims, Zulus and Mormons (M+F+F+F) could all be happy. Yes, wierd stuff becomes possible - like four partner lesbian marriages? (F+F+F+F)
It won't be common, but if its what they want to do, why not? A four partner traditional marriage (M+F+F+F) is currently completely legal. The property rights of any partner in a four partner marriage are already recognised.

The basic elements are all in place. A bit of clear thinking is needed to get to the basics of marriage and create one act that allows consensual adults the right to choose their own form of permanent union. Whether that is traditional M+F or traditional M+F+F+F+F+F. Or any other combination. All shall be equal before the law.

Such a baggage-free Act will probably deeply offend those people who do not understand and believe in equality, respect and dignity. We all know of those ghastly groups who wish to forcibly, even violently, impose their morality on all others. They must read the constitution.

But thank you for trying to get it right - your hearts are in the right place.

Craig Allan (heterosexual, unmarried)
102 Everton Road, Durban

Arico Kotze - Cival Union Bill

EEEE

From: "Mike Morrison"
To:
Date: 2006/11/23 10:36 PM
Subject: Cival Union Bill

Good day Sir,

It is difficult to think of something new to say on the subject of this bill. Marriage as a union between a man and a woman is a universal concept going back into pre-history.

Please remove any reference to marriage in the civil union bill. What the state does with the legal union is the states business. Marriage belongs to people who care about the building blocks of society and the family is the cornerstone of society. Marriage is and should remain defined as a union between a man and a woman.

Please look for unintended consequences in this bill. I think that this bill is not an isolated piece of legislation. It is an attack on the traditional concept of society. Please be careful in experimenting with something that has served mankind since that beginning of time.

I am shocked that our members of parliament caved in and rejected the call of their conscience. I look to you and your collages to do better.

May God guide your in this matter.

Yours faithfully,

Mike Morrison
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Boksburg.
1459

CCCCC

Arico Kotze - Civil Union Bill submission

From: "Eleanor Poulter"
To:
Date: 2006/11/24 12:17 PM
Subject: Civil Union Bill submission

Select Committee on Social Services,
 National Council of Provinces.

Dear Sir,

I wish to lodge my objection to the Civil Union Bill that includes the word "marriage" along with the term "civil union".

Marriage is an inherently heterosexual relationship and always has been. Any exceptions in certain societies have been exceptions and not the historical norm. Marriage is consummated through the inherently heterosexual and reproductive act of sex. Consummation is considered the "seal" on a marital relationship. A "same-sex marriage" cannot be consummated without perverting the act of sex, if one can call this consummation.

There is no scientific proof to date that homosexuality is genetic or inborn, as for example race is. In fact, all the evidence points to same-sex attraction being primarily a compulsion rooted in relational alienation, usual from the parent of the same gender, but sometimes also from peers. Homosexuals have an overwhelming quest for masculine affirmation, and in boys this becomes sexually charged during puberty. Furthermore, in one study, some 37% of 1001 homosexual men surveyed had also experienced sexual molestation or abuse, an experience which gives rise to confusion about sexual identity as well as all the emotional damage that sexual abuse can cause. Many such cases tragically commit suicide.

Just a reading of the life stories of many prominent homosexuals bear out these various underlying causes.

In South African society today, with the large number of single mothers and absent or disinterested fathers (who are often abusive, as well poor role models generally), it is not surprising that many boys are growing up to be homosexual. Depending on the individual's personality, however, a boy may alternatively end up trying to find affirmation in gang culture, often including self-destructive behaviour such as substance abuse. Others become over-achievers, always on a quest to try to please their fathers and gain affirmation.

Lesbianism can also be rooted in alienation, although many lesbian women have experienced sexual abuse as well (thus the abusive practice of raping women to make them heterosexual is counterproductive): There seems to be more flexibility amongst many lesbians, with a substantial proportion of them at times having relationships with men, and some even seem to switch sexual orientation at will. The ones who are least flexible regarding their orientation are those with deep-rooted (and possibly buried) emotional wounds, often from early childhood.

Both homosexual and lesbian compulsions are complex issues which it is not possible to deal with properly in the space of a short submission.

The gay rights agenda is based on two propaganda myths: 1. That homosexuality is inborn, and 2. That sexual orientation cannot be changed, with the deduction following that if it is inborn, then it cannot be changed. Because the homosexual identity is so entwined with their lifestyle, emotions and all that they become, they feel threatened by any mention of the possibility of change, because they will lose what they perceive to be their identity. Hence there is great hostility and a high degree of denial about the roots of homosexuality. This hostility is also directed towards those who have changed their sexual orientation and become heterosexual.

The fact is that many homosexuals have successfully changed their sexual orientation, and I can recommend certain ex-gay authors who have written on the issue: Andrew Comiskey, Mike Haley and Joe Dallas.

I would ask the Council of Provinces whether a "rights" platform for legislation can be based on condoning a

compulsive attraction and associated behaviours that with proper counselling can be changed? Since when did a compulsion that is largely rooted in family and relational dysfunction form the basis of demanding exceptional rights for such people?

I am also concerned that the rights of those marriage officers who object to same-sex unions/"marriage" may be over-ridden if their right to exercising their freedom of conscience is denied. This would be contrary to the Bill of Rights in the National Constitution, which regrettably is in some places a morally-flawed document.

As a mother, I am concerned about the ramifications of legitimising same-sex unions, including the negative apartheid, but to a considerable extent by the negative influence of the media. I do not believe that endorsing same-sex "marriage" will be beneficial for the institutions of marriage and family, and therefore society as a whole.

Instead of further devaluing marriage and undermining moral values by legitimising what can only ever be a travesty of marriage, our government should be implementing policies that will help people to build healthy relationships, strong marriages and loving families that will contribute to the healing of our society, thereby also reducing the incidence of same-sex compulsions. Surely we should get to the roots of the problem rather than applying legal sticking plasters?

Yours sincerely,

E.C.Poulter (Mrs)
52 Candella Road,
Sherwood
4091 Durban.

Below is an article that examines some of the causes of same-sex compulsions (the emphases in bold text

Nonmasculine or feminine behavior in boyhood has been repeatedly shown to be correlated with later homosexuality (Green, 1987, Zuger, 1988); taken together with related factors--particularly **the often-reported alienation from same-sex peers and poor relationship with father**--this suggests a failure to fully gender-identify. In its more extreme form, this same syndrome (usually resulting in homosexuality) is diagnosed as Childhood Gender-Identity Deficit (Zucker and Bradley, 1996).

One likely cause for "failure to identify" is a narcissistic injury inflicted by the father onto the son (who is usually temperamentally sensitive) during the preoedipal stage of the boy's development. This hurt appears to have been inflicted **during the critical gender-identity phase** when the boy must undertake the task of assuming a masculine identification. **The hurt manifests itself as a defensive detachment from masculinity in the self**, and in others. As an adult, the homosexual is often characterized by this complex which takes the form of "the hurt little boy" (Nicolosi, 1991).

During the course of my treatment of ego-dystonic male homosexuals, I have sometimes requested that fathers participate in their sons' treatment. Thus I have been able to familiarize myself with some of the fathers' most common personality traits. This discussion attempts to identify some clinical features common to those fathers of homosexuals.

For this report, I have focused on sixteen fathers who I consider typical in my practice--twelve fathers of homosexual sons (mid-teens to early 30's), and four fathers of young, gender-disturbed, evidently prehomosexual boys (4- to 7- year-olds). The vast majority of these fathers appeared to be psychologically normal and, also like most fathers, well-intentioned with regard to their sons; in only one case was the father seriously disturbed, inflicting significant emotional cruelty upon his son.

However as a group, **these fathers were characterized by the inability to counter their sons' defensive detachment from them**. They felt helpless to attract the boy into their own masculine sphere.

Clinical Impressions.

As a whole, these fathers could be characterized as **emotionally avoidant**. Exploration of their histories revealed that they had typically had poor relationships with their own fathers. They **tended to defer to their wives in emotional matters** and appeared particularly dependent on them to be their guides, interpreters and spokespersons.

While these men expressed sincere hope that their sons would transition to heterosexuality, nevertheless they proved incapable of living up to a long-term commitment to help them toward that goal. In his first conjoint session, one father cried openly as his 15-year-old son expressed his deep disappointment with him; yet for months afterward, he would drive his son to his appointment without saying a word to him in the car.

Further, while they **often appeared to be gregarious and popular**, **these fathers tended not to have significant male friendships**. The extent to which they **lacked the ability for male emotional encounter** was too consistent and pronounced to be dismissed as simply "typical of the American male." Rather, my clinical impression of these fathers as a group was that there existed some **significant limitation in their ability to engage emotionally with males**.

From their sons' earliest years, these fathers showed a considerable variation in their ability to recognize and respond to the boys' emotional withdrawal from them. **Some naively reported their perception of having had a "great" relationship with their sons, while their sons themselves described the relationship as having been "terrible."** Approximately half the fathers, however, sadly admitted that the relationship was always poor and, in retrospect, **perceived their sons as rejecting them** from early childhood. *Why* their sons rejected them remained for most fathers a mystery, and they could only express a helpless sense of resignation and confusion. When pushed, these men would go further to express hurt and deep sadness. Ironically, these sentiments--helplessness, hurt and confusion--seemed to be mutual; they are the same expressed by my clients in describing their own feelings in the relationship with their fathers.

The trait common to fathers of homosexuals seemed to be **an incapacity to summon the ability to correct relational problems with their sons**. All the men reported feeling "stuck" and helpless in the face of their sons' indifference or explicit rejection of them. Rather than actively extending themselves, **they seemed characteristically inclined to retreat, avoid and feel hurt**. **Preoccupied with self-protection and unwilling to risk the vulnerability required to give to their sons, they were unable to close the emotional breach**. Some showed narcissistic personality features. **Some fathers were severe and capable of harsh criticism**; some were brittle and rigid; overall, most were soft, weak and placid, with a characteristic emotional inadequacy. The term that comes to mind is the classic psychoanalytic term "acquiescent" - **the acquiescent father**.

Homosexuality is almost certainly due to multiple factors and cannot be reduced solely to a faulty father-son relationship. **Fathers of homosexual sons are usually also fathers of heterosexual sons--so the personality of the father is clearly not the sole cause of homosexuality.** Other factors I have seen in the development of homosexuality include a hostile, feared older brother; a mother who is a very warm and attractive personality and proves more appealing to the boy than an emotionally removed father; a mother who is actively disdainful of masculinity; childhood seduction by another male; peer labelling of the boy due to poor athletic ability or timidity; in recent years, cultural factors encouraging a confused and uncertain youngster into an embracing gay community; and in the boy himself, a particularly sensitive, relatively fragile, often passive disposition.

At the same time, we cannot ignore the striking commonality of these fathers' personalities.

In two cases, the fathers were very involved and deeply committed to the treatment of their sons, but conceded that they were not emotionally present during their sons' early years. In both cases it was not personality, but circumstance that caused the fathers' emotional distance. In one case the father was a surgeon from New Jersey who reported attending medical school while trying to provide financial support for his young family of three children. The second father, an auto mechanic from Arizona, reported that when he was only 21 years old, he was forced to marry the boy's mother because she was pregnant. He admitted never loving the boy's mother, having been physically absent from the home, and essentially having abandoned both mother and boy. Both fathers, now more mature and committed to re-establishing contact with their sons, participated enthusiastically in their therapy. But in both cases, the sons had, by then, become resistant to establishing an emotional connection with their fathers.

Attempt at Therapeutic Dialogue.

My overall impression of fathers in conjoint sessions was of **a sense of helplessness, discomfort and awkwardness when required to directly interact with their sons.**

These men tended not to trust psychological concepts and communication techniques and often seemed confused and **easily overwhelmed with the challenge to dialogue in depth.** Instructions which I offered during consultation, when followed, were followed literally, mechanically and without spontaneity. A mutual antipathy, a stubborn resistance and a deep grievance on the part of both fathers and sons was clearly observable. At times I felt myself placed in the position of "mother interpreter," a role encouraged by fathers and at times by sons. **As "mother interpreter," I found myself inferring feeling and intent from the father's fragmented phrases and conveying that fuller meaning to the son, and vice versa from son to father.**

Some fathers expressed concern with "saying the wrong thing," while others seemed paralyzed by fear. During dialogue, fathers demonstrated great difficulty in getting past their own self-consciousness and their own reactions to what their sons were saying. This limited their empathetic attunement to the therapeutic situation, and to their sons' position and feelings.

As their sons spoke to them, these fathers seemed blocked and unable to respond. Often they could only respond by saying that they were "too confused," "too hurt," or "too frustrated" to dialogue. One father said he was "too angry" to attend the sessions of his teenage son--**a message conveyed to me by the mother.**

At the slightest sign of improvement in the father-son relationship, a few fathers seemed too ready to flee, concluding "Everything is okay - can I go now?"

Treatment Interventions

Before conjoint father-son sessions begin, the client should be helped to gain a clear sense of what he wants from his father. To simply expose the father to a list of complaints is of no value. He should also decide on a clear, constructive way to ask for this. Such preparation shifts the son from a position of helpless complaining, to staying centered on his genuine needs and the effective expression of them.

The Deadly Dilemma.

Eventually, within the course of conjoint sessions a particular point will be reached which I call "the deadly dilemma." This deadlock in dialogue--which seems to duplicate the earliest father-son rupture--occurs in two phases as follows:

Phase 1: With the therapist's assistance, the son expresses his needs and wants to his father. Hearing his son,

the father becomes emotionally affected, so much so that he cannot respond to his son's disclosure. He is overwhelmed by his own reactions, becoming so "angered," "hurt," "upset," or "confused" that he cannot attend to his son's needs. Blocked by his own internal reactions, he is unable to give what his son asks of him.

Phase 2: In turn, the **son is unable to tolerate his father's insular emotional reaction in place of the affirmative response he seeks from him.** To accept his father's non-responses, the son feels he must abandon the needs he has expressed. The only recourse for the son is to retreat again to the defensive distancing which is already at the core of the father-son relationship. The son cannot empathize with the father's non-responsiveness because to do so is painfully reminiscent of childhood patterns that are associated with his own deep hurt and anger: namely the imperative, "My father's needs must always come before mine." The son's ~~best and only~~ attention, affection or approval he has expressed to him. Indeed, to the son this seems like Dad's old ploy, with all the associated historical pain.

This deadly dilemma originated, I believe, during the preverbal level of infancy. As one father's recollections confirmed, "My son would never look at me. I would hold his face with my hands and force him to look at me, These fathers' appearance to his eyes." Other men have described an "unnatural indifference" to their fathers' pain and anger with respect to them, and unable to respond honestly.

In conjoint sessions, none of the fathers were incapable of taking the lead in dialogue. When dialogue was stagnant, they were unable to initiate communication. I believe the consistent inability of these fathers to get past their own blocks and *reach out* to their sons played a significant role in these boys' inability to move forward into full, normal masculine identification and heterosexuality.

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