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European Languages

زبانهای اروپایی

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## How the Hungarian LGBTQI+ are instrumentalized by the European Union

Everyone agrees to put an end to legal discriminations. However, some Europeans accuse others of wanting on the contrary to create some. This is the case of Brussels against Hungary. But on closer inspection, this argument is dishonest and hides unavowable interests.



**Arrival of Hungarian Prime Minister Viktor Orbán at the European Council on June 24, 2021.**

On June 15, the Hungarian Parliament adopted a law prohibiting the promotion of homosexuality among minors.

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At the meeting of EU home affairs ministers on June 21, 2021, it was decided to launch a procedure against Hungary not for "clear risk of violation of the rule of law" but for "clear risk of violation of the values on which the Union is founded" (12266/1/18REV 1 COR 1).

17 out of 27 member states asked the president of the Council of European Heads of State and Government, Charles Michel, to put the issue of LGBTQI+ rights in Hungary on the agenda of the June 24-25 summit. At this meeting, the 17 accused Hungary of homophobia.

On the 25th, Commission President Ursula von der Layen strongly condemned the Hungarian law and asked her commissioners, Belgium's Didier Reynders (Justice) and France's Thierry Breton (Internal Market), to write to the Hungarian government to "enforce the law. This they did without delay (Ares S(2021) 4587976).

Let's not get too carried away and examine what is behind these positions.

### **LGBTQI+**

The issue of LGBTQI+ rights has never been part of European values. Simply because the Union was created by the Treaty of Rome, in 1957, and at that time, there were no LGBTQI+. There were, however, homosexuals, although they themselves did not exist until 1868, when the Hungarian writer Karl-Maria Kertbeny invented the concept. Until the adoption of "Paragraph 175" in Germany in 1871 and the Criminal Law Amendment Act of 1885 in the United Kingdom, no one had ever had the idea of penalizing same-sex sexual relations.

There had indeed been laws in Europe prohibiting sodomy, but they applied to both same-sex and different-sex relationships, and "homosexuals" have many other practices. We make a mistake in believing that LGBTQI+ people were persecuted in the past and are not persecuted today in "modern" countries. In reality, the way we understand sexuality and the prohibitions we set for ourselves vary according to time and place, but the distinction between different-sex and same-sex partners is recent.

The LGBTQI+ concept does not come from the French thinking of the 60's as it is often claimed, but from American puritanical thinking. It is a kind of intellectual catch-all that amalgamates concepts related to sex (anatomical), sexual orientation (biological) and gender (psychological). Thus, this acronym designates :

- L: Lesbian (lesbian), i.e. a woman having sexual relations with another woman ;
- G: Gay, i.e. a man having sexual relations with another man;

■ B: Bisexual, i.e., a person who has sex with others of the same or different sex;

■ T: Transgender. We are not talking about individuals whose genetic sex is neither male (XY chromosomes) nor female (XX chromosomes), and who therefore do not recognize themselves in their anatomical sex (statistically less than 1 per 1000) [1]. No, we are talking about people who define themselves intellectually in a different social role from that attached to their anatomical sex. While transsexuals can make their chromosomal particularity correspond to their biological sex by very heavy and irreversible operations, transgender people do not aspire to operations and can change their gender several times during their life.

■ Q: Queer. This term refers to the provocative culture of people whose sexuality does not fit into the social norm. It is in this sense that I had created with others, at the beginning of the Nineties, the House of the homosexualities in Paris.

■ I: Intersex (intersexual): Refers to people in general whose genetic sex does not correspond to the binary classification male/female. Some of them can be transsexuals.

■ + : More (others). Since this litany is endless [2], U.S. lawyers have closed it with a + that summarizes all the other options identified and to come.

In Washington, D.C., the Biden Administration pledged during "Gay Pride Month" to promote LGBTQI+ rights, not only in the U.S., but around the world [3]. Thus, US federal buildings, with the exception of the Pentagon, have raised the rainbow flag on their facades for the month of June. This is the framework in which the Commission and the European Council are acting, not the pseudo-defense of "European values" which have nothing to do with it.

Already in the 1980s, the Clinton Administration financed the AIDS issue in order to instrumentalize gay associations, all over the world, to exert pressure on governments and sell them US treatments.

## **Western confusion about gays**

No one doubts that President Biden is sincere about ending discrimination against people based on their skin color. However, as I have shown in a previous article [4], what he is doing is the direct opposite. He thinks he is fighting racism, but he is pursuing a segregationist policy. My words shocked those of my readers who considered them a minority opinion. But today it is not an opinion, but an analysis shared by the greatest black intellectuals in the United States [5]. Similarly, no one thinks that Joe Biden is insincere when he intends to fight discrimination against people based on their sexual orientation. But this does not prevent him from doing the opposite.

Internationally, the Biden Administration is using the homosexual issue as it has used religious freedom or racism. Thus, it accuses Russia of being homophobic, whereas homosexuality is decriminalized there (it had been heavily penalized by Joseph Stalin as part of his fight against the homosexual soviets and was legalized again by Mikhail Gorbachev [6]).

The Western confusion is rooted in the institutionalization of homosexual marriage by the Scandinavian countries. It is important to be aware that marriage does not have the same meaning in different periods and civilizations. When the Scandinavian countries invented same-sex marriage, they were not seeking to create an equivalence with heterosexual marriage, but to give all citizens access to a public service of the state church. These countries have state churches whose pastors are civil servants, and they reserved one of their public services - marriage - for heterosexuals only.

By the way, I remember very well a lunch with a parliamentarian who was the rapporteur of the first law instituting gay marriage. She assured me that this law would put an end to the "sexual vagrancy" of this community. When I asked her what her country had planned for transsexuals, she told me that there were no people "like that" in her country.

Let's get back to the topic at hand. As president of the largest European gay political association, the Ornica Project, I have opposed gay marriage in Latin countries. That is why the German environmentalist Claudia Roth, when she wrote her report to the European Parliament on the homosexual question in 1994, did not advise to introduce gay marriage everywhere, but only to end discrimination based on heterosexual marriage [7]

One can only regret the adoption of gay marriage by Spain, Portugal, France and Malta, whereas heterosexual marriage is a contract to govern the inheritance of children. Equality could have been achieved, not by opening marriage to infertile couples, but by ending the

legal privileges of heterosexual married couples. This was the solution I negotiated with Bishop Joseph Duval, President of the French Episcopal Conference, who supported it.

### **Distinguishing the problems**

It is generally considered that during puberty, one discovers one's sexuality and therefore one's sexual orientation. Most societies refrain from guiding adolescents in one direction or another. From this point of view, it is legitimate for Hungary to prohibit the promotion of homosexual orientation in schools as well as heterosexual orientation. This does not violate any human right as long as both sexual orientations are legal for adults.

For the same reasons, France adopted the Jolibois amendment in 1994, which penalized, among other things, pornography "likely to be seen or perceived by minors. Some groups intended to use this text to censor all kinds of films, books and magazines. The Voltaire Network was created to clarify this text so that it does not limit freedom of expression. It succeeded in doing so, and this is what should only be done in Hungary.

The fact that the European Union is interfering with the sovereign choice of the Hungarian people shows its willingness to impose itself as a supranational bureaucracy above national democracies.

By supporting the EU on this issue, European LGBTQI+ people are taking a stand in a conflict that is not theirs. They are taking the risk of a backlash when the People defeat the EU bureaucracy, which is inevitable.

### **The final word**

It is interesting to note that the European Union has abandoned the argument of "clear risk of violation of the rule of law" for that of "clear risk of violation of the values on which the Union is founded". Everyone agrees that the Hungarian law does not violate the legal principles of the Union. The values argument is clarified by Commissioners Didier Reynders and Thierry Breton in their letter to the Hungarian Minister of Justice.

While they refer to Article 2 of the Treaty on European Union (Maastricht 1992) and Article 21 of the Charter of Fundamental Rights of the European Union (2000), they do not insist because they fail to establish discrimination. They devote most of their letter to the Audiovisual Media Services Directive (AVMSD) and the E-Commerce Directive. The idea is that the Hungarian law would be contrary to the commercial law of the European Common Market because it prohibits the distribution in Hungary of products that are legal

in the rest of the Union. If this argument were to be supported in the long term by Brussels, the "clear risk of violation of the values on which the Union is based" would be limited to the risk of not being able to sell anything anywhere.

Clearly, the Union is misdirecting a fight for justice. It mocks homosexuals and their equality in Law.

Translation

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