

Submission
No 56

INQUIRY INTO EDUCATION LEGISLATION AMENDMENT (PARENTAL RIGHTS) BILL 2020

Organisation: Ethics and Public Policy Center

Date Received: 1 March 2021

Submission to the Parliament of New South Wales

In support of Education Legislation Amendment (Parental Rights) Bill 2020.

To: Members of Parliament:

From: Mary Rice Hasson, JD Washington, DC

February 28, 2021

I am writing to express my support for the proposed Education Legislation Amendment (Parental Rights) Bill 2020 (“Bill”). By way of background, I am an attorney and public policy expert in the United States, with a particular interest in gender theory in the context of education. I have been researching and writing about gender theory as it relates to primary and secondary education, parental rights, and religious liberty for nearly a decade, and I lecture nationally and internationally on these subjects as well. In the United States, I have advised Members of the U.S. Congress and state legislators on policy matters and proposed legislation relevant to gender theory, parental rights, and education issues. In 2019, I presented on gender theory and gender equality at the United Nations, during the Commission on the Status of Women, representing the Mission of the Holy See to the United Nations.

My support for the Bill is based on my analysis of the proposed legislation and my experience with the substantive areas addressed by the Bill. In summary terms, the Bill intends to prohibit the teaching of gender fluidity and to protect the primacy of parental responsibility for instilling core values in their children. I submit, for your consideration, my reasons for supporting this Bill.

SUMMARY

- “Gender fluidity” is an evolving body of beliefs, of an ideological or quasi-religious nature, anchored in a novel view of the human person radically at odds with biology and long-standing cultural, philosophical and religious beliefs. As such, it is controversial and potentially harmful to vulnerable children, and ill-suited to the educational environment of children and adolescents.

- Parents are entrusted from the first moment of a child’s life with the serious responsibility of educating and raising the child to adulthood, assisting the child in mature development of body, mind, and soul, in accord with the values and beliefs of the family; schools play a supportive and complementary role in this process, but have no right to usurp parents’ roles, to undermine the child’s formation in ways contradictory to parental beliefs and values, or to taint the child’s educational formation by introducing contested, ideological beliefs to the educational process—especially when those ideological beliefs have the potential to cause harm to the child’s development. The introduction, integration, or promotion of gender fluidity in the educational environment for years Kindergarten through Year 12 is incompatible with parental rights and governmental respect for parental primacy in education.

POINTS

“Gender fluidity” is an evolving body of beliefs, of an ideological or quasi-religious nature, anchored in a novel view of the human person at odds with biology and long-standing cultural, philosophical and religious beliefs. As such, it is controversial and potentially harmful to vulnerable children, and ill-suited to the educational environment of children and adolescents.

- “Gender fluidity” is part of a larger system of beliefs about the human person, rooted in materialistic, Marxist-feminist, atheistic, and post-modern beliefs about the person.¹ Because ideological beliefs are central to gender fluidity, it should not be permitted to function as an overarching framework for anti-bullying programs, school culture or curricular resources, nor should it be integrated piecemeal into the educational environment.
- Gender fluidity is controversial, divisive, and unproven. Although its proponents claim that it is fact-based, its critics contend otherwise, describing it variously as an ideology, a cult concept, or a quasi-theological belief system. As such, it has no place being used as the framework for a program of education that, by law, must be non-ideological. The following quotes illustrate the controversial nature of gender fluidity. Jo Bartosch, a feminist, UK-based journalist and human rights campaigner on behalf of women and girls, says “Gender identity is not a fringe issue, it is an ideological hydra that threatens to

¹ Butler, J., *Gender Trouble: Feminism and the Subversion of Identity*, 1990. See also, Millett, K., *Sexual Politics* (1970, reprint 2016; Firestone, S., *The Dialectic of Sex* (1970).

undermine everything from language to our most basic human rights.”² Attorney Kai Blevins, who identifies as transgender-queer, uses quasi-religious language to express frustration at legal restrictions preventing a self-declared change in legal identity (rejecting biological sex). He likens the delay to “roam[ing] in gender purgatory,” unable “to access the resources and benefits we need to survive .”³ Writer Agatha Trunchbull condemns gender fluidity’s corrupting effect on language: “The gender cult has taken control of our language, and therefore controls our culture.” She observes that, “Men who pretend to be women have chosen the term “trans woman” very carefully—not “transsexual,” not “trans-woman,” not “transwoman.” They insist upon “trans woman... This allows them to claim that “trans women” are *fundamentally* women—that “trans women” are a *type* of women, more similar to than different from other types of women; the adjective is trivial, just a detail. This simple linguistic sleight of hand entitles men to everything women once had... Nouns matter. In losing the noun “woman,” we have already lost everything.” She notes that in “the gender cult’s entire linguistic regime... None of these terms represent reality. In fact, they do exactly the opposite. They represent an attempt by the gender cult to *overwrite* reality, and to convince the public that everything is the opposite of what it is.”⁴

² Bartosch, J., “On his first day in office, the president signed away women’s sex-based rights,” spiked, January 25, 2021. <https://www.spiked-online.com/2021/01/25/joe-bidens-war-on-women/>

³ Blevins, K. “I’m on the wrong track baby, I was made this way: How gender essentialism and cisnormativity discipline the transition processes of transgender individuals,” *Social Justice and Equity Law Journal*, Wilmette University College of Law, Vol 1, Issue 1 (2018).

<https://willamette.edu/law/resources/journals/sjelj/publications/index.html>

⁴ Trunchbull, A., “The Gender Cult is Winning the War of Language,” *Uncommonground Media*, October 27, 2020. <https://uncommongroundmedia.com/the-gender-cult-is-winning-the-war-of-language/>

- The traditional understanding of the human person, both in Christian anthropology and natural law reasoning, accepts the person as a unity of body and mind, an integrated whole.⁵ Gender fluidity views the person in dualistic terms, where the body is independent of and need not “match” the mind. Philosopher Abigail Favale writes, “The concept of gender... has ultimately served to pry a wedge between body and identity. Whereas sex once simply referred to a bodily given, a fact of nature, here the power of the body to constitute identity is diminished. ‘Woman’ no longer refers simply to one’s sex, but rather to one’s gender, which has become an amorphous cultural construction that has a tenuous relationship to bodily sex. Once this distance between bodily sex and identity was enabled via gender, it did not take long—merely a few decades—for gender to shift meanings once again, becoming entirely disconnected from sex, which has paved the way for an even more fragmented and unstable understanding of personhood. Because gender is no longer anchored in maleness or femaleness, it is endlessly malleable; it is a concept that can be continually altered and redeployed, and we are witnessing in real time the wild proliferation of its meaning.”⁶
- Gender fluidity is still evolving, and a quick search of academic literature using Google scholar shows a field with hundreds of theorists posing competing and inherently contradictory views about its core concepts. An unsettled theory that is incompatible with the core beliefs of many parents and students, and which undermines parents’ efforts to instill core beliefs in their children is not an appropriate for curriculum, nor does it offer a

⁵ Congregation for Catholic Education (2019) ‘Male and female he created them: Towards a path of dialogue on the question of gender theory in education’, *The Vatican* 2 February [online]. Available at: http://m.vatican.va/roman_curia/congregations/ccatheduc/index.htm

⁶ Favale, A., “The Eclipse of Sex by the Rise of Gender,” *Church Life Journal*, March 1, 2019. <https://churchlifejournal.nd.edu/articles/the-eclipse-of-sex-by-the-rise-of-gender/>

sound counseling framework. For example, some gender theorists believe in an “essentialist” perspective on “gender,” presuming it is fixed by age three (though not fixed in alignment with the body).⁷ Others posit gender fluidity as something self-determined, with no underlying essence; still other theories claim that “gender” is in the “doing,” as a “performance” of socially determined, stereotypical roles, as Judith Butler theorized, or in the transgression of those roles. With no established “canon” of knowledge, gender fluidity is unsuitable for the education context below the university level.

- Gender fluidity relies on outmoded sex stereotypes to provide a frame of reference for self-discovery of one’s “gender identity.” Under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), nations pledge to eliminate or modify harmful sex stereotypes. Promoting gender fluidity does the opposite, because the theory is only intelligible to the individual by comparing oneself to sex stereotypes. Journalist Jo Bostock describes this problematic aspect of gender identity. “According to the [UK National Health Service] and [World Health Organization], each of us has an innate gender identity, and this may or may not correspond to our biological sex. No conclusive evidence has been found as to where exactly this feeling of gender resides, or how it might be expressed without relying on sexist stereotypes. We are told proof rests in the small proportion of the population who feel they have been born in the wrong body. That people feel discomfort in their sexed bodies cannot be disputed, but the idea

⁷ Blevins, K. “I’m on the wrong track baby.”

that this is because of a mismatch between gender identity and their sex is unverifiable, not to mention a substantial leap of logic.”⁸

- Gender fluidity continues to move further away from the biological, evidence-based facts about our sexed bodies and identity. An unstable, non-evidence-based set of ideological beliefs is a poor candidate for use in the classroom or in any aspect of children’s education: it dresses unfounded beliefs and desires up as facts, communicates contradictory messages about the nature of the human body, and undermines the child’s confidence that the truth of the world around him or her – including the child’s own body – can be known. In its earlier versions, gender fluidity asserted that a person who rejected his or her sex desires to “cross-over” to the opposite sex (for example, a male who felt “born in the wrong body” would identify as female, desire to live as he imagined a woman would live and assume the stereotypical dress and mannerisms of a woman). More recently, gender fluidity expressly rejects the scientific truth that sex is binary (male-female); it substitutes instead an incoherent concept of a self-defined “non-binary” identity. In truth, a person expressing a non-binary identity inevitably uses the sex binary (male or female) as opposite reference points between which he or she identifies. Thus even the “non-binary” identity indirectly self-defines by reference to male or female—if only in the negative, and yet the existence of “non-binary” identities is an article of “faith” within the gender fluidity belief system.

⁸ Bartosch, J., “‘Her penis,’ and other facts we all should know,” *The Critic*, January 27, 2021. <https://thecritic.co.uk/her-penis-and-other-facts-we-all-should-know/>

- The over-arching goal of gender fluidity is a self-defined identity.⁹ This theory of self-determination creates instability, insecurity and doubt in children—even those who previously expressed no doubts about their identity or the natural fit between the sexed body and identity. In Canada, for example, a family has filed a lawsuit against the school system told their young daughter that “girls are not real.”¹⁰
- Gender fluidity denies the biological fact that all humans are male or female, from the moment of conception. Instead, it encourages children to believe false and damaging concepts including the idea that a child who struggles to accept his or her sex is in danger of going through the “wrong” puberty” (a biological impossibility). Similarly, an increasingly common practice in schools that embrace gender fluidity is the promotion of “gender inclusive” puberty education, which disconnects female biology from “girls” and male biology from “boys.” Instead, adolescents learn the following “de-sexed” versions of puberty (from instructions to teachers): “For instance, rather than saying, ‘Girls and women go through a process called menstruation that prepares the uterus for a fertilized egg to implant itself,’ educators can refer to the diagram with a vagina and ovaries and simply say, ‘For those who have ovaries, the pituitary glands and ovaries interact to start menstruation.’ When looking at a diagram of a body with a

⁹ Ibid. See also Introduction to the Yogyakarta Principles, The Yogyakarta Principles 2006. <https://yogyakartaprinciples.org/>

¹⁰ Sevunts, L., “Parents sue school board for teaching their daughter ‘girls are not real.’” Radio Canada International, Nov. 5, 2019. <https://www.rcinet.ca/en/2019/11/05/parents-sue-school-board-for-teaching-their-daughter-girls-are-not-real/>

penis and testicles, teachers may refer to the testicles and note that “Sperm cells are produced daily once puberty has begun.”¹¹

Parents are entrusted from the first moment of a child’s life with the serious responsibility of educating and raising the child to adulthood, assisting the child in mature development of body, mind, and soul, in accord with the values and beliefs of the family; schools play a supportive and complementary role in this process, but have no right to usurp parents’ roles, to undermine the child’s formation in ways contradictory to parental beliefs and values, or to taint the child’s educational formation by introducing contested, ideological beliefs to the educational process—especially when those ideological beliefs have the potential to cause harm to the child’s development. The introduction, integration, or promotion of gender fluidity in the educational environment for years Kindergarten through Year 12 is incompatible with parental rights and governmental respect for parental primacy in education.

- The broad anthropological vision of “who we are” is fundamental to a child’s sense of self. No child should be exposed to an unproven, novel theory without parental consent. To expose a child to concepts that deeply contradict the truths they are taught at home, and which throw into question their upbringing, is de-stabilizing. In addition, it is a usurpation of a parent’s primary right to direct the upbringing of their children according to their beliefs and values.

¹¹ “Gender-inclusive puberty and health education,” Gender Spectrum 2020.
<https://www.genderspectrum.org/articles/phe-resources>

- Gender fluidity is inherently contradictory to long-accepted philosophical understandings of the human person.¹² Ryan Anderson, the President of the Ethics and Public Policy Center in Washington, DC, notes, “basic truths about the human condition” and human nature have been “articulated by ancient Greek and Roman philosophers, members of the Abrahamic faiths, and secular people.”¹³ Cultures the world over have long organized their societies based on truths about the human person, knowable through reason and experience: that human beings have spiritual capacities and a built-in thirst for the transcendent, which cannot be explained solely by a materialist conception of the person; that human beings are male or female, sex is binary and immutable (every human being was born of the union of male and female).
- According to scholars David Crawford and Michael Hanby, gender fluidity proposes “a radical new conception of human nature with a dubious ideological history. It has inscribed into law the abolition of man and woman.” Further, “it is impossible to redefine human nature for only one person. When a fourth-grade girl is required to affirm in thought, word and deed that a boy in her class is now a girl, this does not simply affirm the classmate’s right to self-expression. It calls into question the meaning of ‘boy’ and ‘girl’ as such, thereby also calling into question both her own ‘identity’ and that of

¹² In addition, gender fluidity contradicts key tenets of Christian anthropology as well as natural law. The Christian view of the human person begins by recognizing that the human person is a creature, bonded in eternal relationship to his Creator from the first moment of existence. As a created being, the human person seeks meaning in the light of truth (God) and the person’s final end (eternal life). The path to human flourishing—the choices the person must make to live a good life—is illuminated by “design” (human nature), the person’s natural inclinations in accord with God’s law (natural law).

¹³ Anderson, Ryan T. (2019) ‘How to think about sexual orientation and gender identity (SOGI) policies and religious freedom,’ in Adolphe, J., Fastiggi, R., and Vacca, M. (eds.) *Equality and Non-discrimination: Catholic roots and current challenges*. Eugene, OR: Pickwick Publications, Wipf and Stock Publishers, pp. 42-62.

everyone in her life, from her mother and father to her brothers and sisters, and all of her friends and relatives.”¹⁴

- A novel, unproven conception of the person should not be substituted for long-held understandings of human nature, especially when it contradicts a nation’s long held public anthropology, without serious discussion, evidence that it is true and conducive to human flourishing, and it has received approval through the democratic process. Children should not be exposed to an evolving, unproven theory about human identity that rejects fundamental truths about the person and may contradict parents’ deeply held beliefs.
- Images like the GenderBread person convey the false anthropology of gender ideology: the person is represented as fractured—a jumble of disconnected dimensions that need not align and may change. These dimensions include gender identity (an inner feeling), gender expression (external), sex assigned at birth (as if sex were an arbitrary label), and physical (sexual) or emotional (romantic) attraction. The image erroneously presents sex as a spectrum of female, “intersex,” and male. Biology, however, defines “sex” as the classification of an organism according to its reproductive role; human reproduction is binary, always requiring sperm (male) and an ovum (female). A person’s gender identity is his or her self-perception of being a man, woman, both, neither or something else. A person discovers his or her gender identity by assessing comfort level, or “fit” with stereotypes typical of one sex or another. The reasoning is circular and inherently confusing to children. For example: *A child who is born female declares she identifies as*

¹⁴ Crawford, D. and Hanby, M. (2020) ‘The Abolition of Man and Woman’, *The Wall Street Journal*, 24 June [online]. Available at: <https://www.wsj.com/articles/the-abolition-of-man-and-woman-11593017500>.

a boy. When asked, “What makes you a boy?” she will reply, “My gender identity.” What does she mean by her gender identity? “It’s my feeling that I am a boy” or “I believe I am a boy, I identify as a boy, therefore I am a boy.” Her belief persists even though it is contradicted by her sexed body.

- Parents need to have the final say over whether their child will be taught unproven, concepts more akin to “magical thinking” than real science or philosophical truths. Gender fluidity has no place in the schools.

The Genderbread Person v3.3

Gender is one of those things everyone thinks they understand, but most people don't. Like *Inception*, gender isn't binary. It's not either/or. In many cases it's both/and. A bit of this, a dash of that. This tasty little guide is meant to be an appetizer for gender understanding. It's okay if you're hungry for more. In fact, that's the idea.

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Gender Identity
Put a point on both continua in each category to represent your identity; combine all ingredients to form your Genderbread. 4 of infinite possible plot and label combos.

Woman-ness
Man-ness
How you, in your head, define your gender, based on how much you align (or don't align) with what you understand to be the options for gender.

Gender Expression
The ways you present gender, through your actions, dress, and demeanor, and how those presentations are interpreted based on gender norms.

Feminine
Masculine

Biological Sex
The physical sex characteristics you're born with and develop, including genitalia, body shape, voice pitch, body hair, hormones, chromosomes, etc.

Female-ness
Male-ness

Sexually Attracted to
Nobody (Women/Females/Femininity)
Nobody (Men/Males/Masculinity)

Romantically Attracted to
Nobody (Women/Females/Femininity)
Nobody (Men/Males/Masculinity)

For a bigger bite, read more at <http://bit.ly/genderbread>

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