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Logical Errors in Boycotting the Family Referendum of 2018 in Romania

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Abstract: The paper analyses a series of arguments that had as purpose to convince the population not to go to vote in the Referendum of October 2018 organized in Romania about redefining marriage as possible only between different sexes. As the law requested a 30% presence to be validated, the arguments final purpose was not to operate the constitutional changes. But a series of arguments, as convincing as they were, were not correct from a logical and philosophical point of view, as they led astray from the participation to the democratic vote process, the civic implication in establishing the rights of the citizen and refocused public attention from the question in order on the different political and religious organizations. The paper discusses the details.

Keywords: *human rights; marriage; ideology; homosexuality; democracy;*

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1. Introduction

The Family Referendum was organised on the 6th and 7th October 2018 in Romania. Initiated by The Civic Society, its purpose was to redefine the Constitutional article which defines family and marriage. In Romanian Constitution family is defined as the marriage between two spouses, with no reference to their sexes. The Civil Code defines spouses as man and woman, but changes in the Civil Code are easier to make, whereas the changes of The Constitution are only possible by means of the referendum. Thus, defining family as a marriage between a man and a woman in the Constitution would prevent legalising same sex marriages. The initiative of this referendum was born on the context of the legalisation of same sex marriages in other European countries and in The European Union of which Romania is a part of and it wanted to prevent changes which already were made in other countries of which some had already organised such referendums (with success) to undo them. Such is the case of Slovakia in 2015.

In order for the referendum to be validated, a presence of 30 per cent of the population to the vote is required. It is only then that the result depends on the vote of the majority. Such being the case, any referendum can be boycotted. If the limit of 30 per cent is not fulfilled, the vote of those present do not matter anymore. Instead of trying to convince people using arguments to vote one way or another and risking the results to be validated, the alternative of boycotting appears to have more success. Such was the case of this referendum in which influential public figures who believed such a modification of the constitution should not take place tried to convince people not to vote to ensure the modification does not take place. Boycotting is legal, but is it ethical? Ensuring a bigger voting presence does not exclude the desired result. It is possible that the referendum is validated but the result does not operate the proposed changes, such being the will of the people. It is also a risk that the majority does not agree with us and the result is not the desired one, and, even though one is convinced one is right, no man should have the power to impose one's beliefs, as correct as these might be, or democracy ends. All dictatorial regimes proud themselves with doing the greater good - by force. It is ethical that one should advertise the ideology one shares, this is called "positive propaganda" and it a legitimate way of presenting the ideas and the arguments which sustain them, presenting their social merits and so on. This is made with respect for the opposed ideologies, not by denigrating the rival ideologies. It is also ethical to organise debates in which the conflicting ideologies do not try to compete

for supremacy, but in which a satisfactory solution to the problem for all involved is found. In Romania no debate was organised, no correct informative action took place (for many it was not clear what the referendum was about and what the procedure was for the vote, such as on Social Media the disinformation that going to the referendum is voting blank and giving a white check to the government in order to operate any possible desired constitutional change that was not family related). Even another phenomenon took place, boycotting the referendum and not just any kind of boycotting, but one in which incorrect argumentation, sophisms, disinformation and other unethical strategies were used in order to manipulate the citizen and the vote result.

We discuss some of these incorrect arguments below.

2. Arguments

We believe that the arguments used in boycotting the Family Referendum were severe logical argumentative mistakes. We tried to organise them by the theme. Most of those analysed in this paper were also used by a big audience tv show called "Starea Naţiei" presented by a popular journalist, Dragoş Pătraru, a show with a popular Facebook page. We chose this show because it is a journalist ethic matter. A journalist should not resort to manipulation, even though his believe in a certain ideology is sincere, but declare the ideology he or she adders to and correctly presenting the arguments for it. Moreover, it is necessary to present the opposing point of view, a presentation of which in this case is absent. The show abounds in incorrect argumentation in order to influence the referendum outcome, with no regard for the logical structure of the arguments presented. The arguments we analyse are to be found in other media representatives, but an exhaustive analyses is not the purpose of this article.

1. The Referendum is a useless spend of money, because more important problems, such as the educational system or health care system or poor children needed it more. Only after allocating funds for these more important matters the state will proof it "actually protects the family", but until then boycotting is necessary. Until then, it is important to engage in other priorities: "Do you know what I do in this weekend? I rest, because Monday I must go to work, to raise my children, to pay the taxes, to ensure my pension" (Starea Naţiei, 2018a).

If we analyse the argument for boycotting, we see it could be made for all referendums and even elections, as it relates to the spend of money.

In a democracy, all voting processes are a spent of money. Dictatorial regimes will come cheaper. One cannot be expected to organise democratic votes only after all other problems of the Sate are taken care of, because this would mean that only wealthy states should be democratic. Moreover, to organise a referendum, 3 million signatures must first be offered as proof that society considers the matter important enough for the wellbeing of society to be subjected to a voting process. The argument analysed by us implies that the opinion of the legal necessary 3 million people is wrong or unimportant. If we analyse this argument of boycotting further, we notice the idea that not only is not this referendum important, it serves no purpose, it contributes not to society, but is undermines the very purpose it declares to serve: it undermines family. Thus, it is better to resort to boycotting if we really want to serve family interests. But a voting presence is not for the immediate wellbeing of the individual, it implies making time to vote so that the society prospers. This argument is, in our opinion, undermining democracy itself. Moreover, not boycotting the referendum does not return the money spent on organizing it, so people may as well vote.

2. "Civil rights and liberties are not vote subjected" (Starea Naţiei, 2018b). Another formulation of the same idea is found in the opinion that one cannot have the right to say whom another person should love and marry or that the referendum is about "limiting civil freedoms". It is not a "family referendum", it is a "referendum for less freedom" (Starea Naţiei, 2018c), it is about "limiting some freedoms" (Starea Naţiei, 2018d).

This idea is plainly untrue. In a democracy, the rights and freedoms of the people are established by the people. Unlike divine law that is considered by the believers to come from God Himself (for instance, in Christianity the Commandments literally fall from the sky on stone tablets), the democratic law is established by vote and can be submitted to change, evolution, as the society itself evolves. Not even The Human Rights Declaration is not universal. It had human authors and it was adopted in 1958 by The United Nations, not worldwide. Even if adopted by every single country, this Declaration does not solve problems such as homosexuality or abortion (the woman right to dispose of her body versus the child right to life), capital punishment, bioengineering issues and so on, as those did not exist at the moment when the declaration was adopted. Not even single sex marriages were discussed, as never before no society allowed them. For such issues, referendums are often organised. Human rights and freedoms are often controversial, many depend on the evolution of science

(such as the matter of the biological proprieties of the unborn) and therefore hard to establish once and for all.

The question in matter here was marriage. Of course marriage is already defined by law in a restrictive way. Every definition is limitative, but this does not make it discriminatory or not lawful. All society have a definition of marriage only that, until now, the sex problem was never in question. But other were. For instance, in some societies polygamy is allowed, in Romania it is not. Romania does not permit incest, no blood relation is allowed in marriage for relatives of first degree cousins, a decision justified by healthy procreation purposes and genetical diversity. Other societies incest may be allowed (even in the European history aristocratical marriages were often among relatives to preserve the purity of the blood line and for economical purposes also). Some isolated societies encourage adultery if it is the only source of genetical diversity, as Romania does not and so on. Romania also does not permit marriage unless one is of an age, which is also a restriction meaning to ensure power of judgement. All law concerning marriage has a social justification, and the matter of same sex marriage and its social implication was not even discussed, but dismissed as limitative and discriminatory, according to the false idea that no one should tell anyone whom to love, less alone if one can marry or not.

The lack of correctness of this argument becomes clear when there is no discussion about the social impact of the family (re)definition of the social implications of same sex marriages in the educational system, no discussion about the implication of these social changes for both gay or traditional communities and so on. Moreover, there is no discussion about religious freedom and how the legalisation of same sex marriages could be used as a means of imposing religious organisation to perform gay marriages.

3. Blaming the supporters and the authors is another incorrect argumentation, one that all scholars know of, but a very effective one.

The ruling party during the referendum, PSD, whose popularity decreased after the elections, is associated with it in order to benefit from the large majority opposing the party: "This referendum is not about family, its is about PSD", a party which supposedly uses the organisation of the referendum for its own "slattern populism" (Starea Nației, 2018c). This is clearly a manipulation, as the discussions is moved from the stake of the referendum in the political plan and pictured as a struggle between the supporters and opposers of PSD in which not passing the constitutional changes equals a public strike of image for PSD.

Another organisation strongly criticised was BOR, as The Romanian Orthodox Church was involved in strongly trying to convince the believers to vote for the changes that the referendum proposed, which were according to the religious doctrine. BOR was pictured in media as an abuser of power and all those who had a problem with this organisation (and it is often criticised for the financial power) took it on the expense of this referendum: "You, the politicians, the church, you who want to bar rights…. go away spinning" (Starea Naţiei, 2018e). In addition to the manipulation of using the opposition towards BOR to temper with the referendum outcome, another argumentation mistake appears, as not religious dogma and freedoms are in question here.

The referendum is not limited to religious Christian ideology, to political party ideology, so not sharing the ideology of these organisations or a certain negative opinion of them should not necessarily make you reject analysing the matter in question. Boycotting the referendum does not equal boycotting the party in charge or the dominant church. There are other ideologies except Orthodoxy and Social Democracy in Romania, other religious minorities or atheists and other political views. An ethical alterative would have been openly presenting for discussion the true ideologies behind the referendum, or better said, that opposed the referendum, such as neoliberalism, gender ideology and so on.

Another strategy was to describe the supporters of the referendum constitutional changes as homophobes, in order to generate a climate of persecution and negative labelling of the voters. The referendum supposedly turns the question of homosexuality into a "national problem" and those supporting the referendum are trying "to chase them away" (Starea Naţiei, 2016). However, the question in the referendum was not homosexuality, but homosexual marriage, and opposing the second does not mean fearing the first. Moreover, if the matter was homosexual marriage, the discussion should have been about this type of marriage, not about homophobes, especially since in Romania homosexuality is no longer punishable by law and the referendum in question was not about outlawing homosexuality.

3. Conclusions

The arguments of the television show analysed in the present article for boycotting the family referendum were not correct form a logical point of view. Moreover, the show itself, as an example of journalistic ethic, proved to resort systematically to this unethical form of speech in order to convince the audience to boycott the family referendum. The explanation is

simple. The journalist's own ideological beliefs are of such a nature that he does not agree with the changes proposed by the referendum: "My name is Dragoş Pătraru and I support the consented marriage between two adults who love each other" (Starea Naţiei, 2018a). We must notice that this is also a definition of marriage that is based on restriction of age, consent and number. So presenting such a definition is truly a contradiction of all other incorrect arguments used for the purpose of manipulating the audience in not operating the changes he did not wish for.

No proper discussion about the social implications (may they be positive or negative) of same sex marriage for the first time in history, no discussion about the concept of marriage itself, no correct presentation of the ideologies behind the Family Referendum enterprise were to be found here. Not even the most immediate implications such as the changes in the adoption system or religious repercussions were even mentioned, nevertheless the more distant ones, as implementing gender education, the neuter gender and so on. The social realities of the states that embraced same sex marriages were not mentioned neither, but perhaps they could explain a larger presence of diaspora at vote, together with a greater sense of civic implication.

A validation of the referendum by a large voting presence did not necessarily mean a change in the constitution, as the larger percentage could have been a vote against the proposed change. But it would have been proof of correct information and the result would have truly reflected the will of the people.

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