“Anti-Discrimination” (P1)

Both The Shorter Oxford & Encarta dictionaries define ‘discrimination’ as “the ability to notice and value quality; the ability to notice subtle differences; the power of observing accurately and exactly distinctions; to appreciate good quality & taste”. Thus any ‘anti-discrimination’ legislature must distinguish between such desirable qualities and irrational rejection of people because of inherent qualities. Can we maintain a Meritocracy without ‘discrimination’?

“Rights” to be worth the name must be universal within the relevant community and commensurate with accepted ‘responsibilities’. Otherwise they are little more than licence. To illustrate; My right to drive a motor vehicle depends on my acceptance of a responsibility to control it consistent with the safety of all other road users. I haven’t any ‘right’ to drive against on-coming traffic or when my judgment is reduce by the effects of such drugs as alcohol.

Traditionally “rights” have been to ‘Life, Liberty and the pursuit of Happiness”; and accredited to our Creator. Obviously any ‘right’ granted by a human organisation can be altered by a change of controller; what prevails in one country might well be prohibited in another. Constitutions are no safeguard as shown in Communist Russia. “Freedom of the Press” was a constitutional guarantee; but government edict prevented all but the appointed few gaining adequate supplies of paper, ink and the machines need to print.

However the discovery of “rights detectors” has resulted in claims ‘to do anything desired’ with abrogation of any personal responsibility for the consequential results. So, if I contract a ‘social disease’ after sexual adventurism, it is the fault/responsibility of the other participant; or so seems to be the reasoning. If ‘I do it my way’, am I not responsible for the consequences?

Humans seem to have inherently a vindictive, rapacious and ambitious streak; with a seemingly innate ability to subvert all legislation, & an in-built desire to ‘break’ laws; which have failed throughout recorded history to “make men ‘good’”. ‘Anti-discrimination’ legislation, unless meticulously worded, promises untold litigation. Judges, being human & therefore victims of human frailty, have ‘feelings’ also; therefore their verdicts will not necessarily be as legislators anticipated.

If there is a ‘Brotherhood of Man’, the ruling example seems Cain & Abel; certainly not David & Jonathan. We are not all equal other than in our propensity to do ‘wrong’; & theoretically before the eyes of the Law; but even this latter is related to our ability to employ a sufficiently eminent Q.C. Our adulation of sporting heroes is a clear recognition of such ‘inequality’. If I employ a particular person, how can I prove I believed that person better suited to my needs than another who believes (s)he is better qualified but was passed over because of a different skin colour; and wishes to benefit thereby?

Any right worth having carries with it another’s ‘right’ to criticise the view professed or the action committed. Almost ubiquitous currently is the inability to distinguish between comment on doer & comment on word or deed. Tens of millions of people have died from the HIV, making it one of the most destructive pandemics in history; but to proclaim that a certain lifestyle increases the risk of such infection draws caustic censure. Any ‘right’ to do

or to say, inherently carries within itself the 'right' of another to comment on what I say or do. A 'right' to board an aircraft now results in security checks that inconvenience all travellers.

Each 'right' carries some negation to another. Thus a woman's 'right' to an abortion is in effect a 'right' to kill or have killed her own child. No such 'right' extends to males. Is such discriminatory? If not, why not? Will abortion consequently come under 'anti-discrimination' legislation? If not, why not?

Rejection of others because of inherent differences is anathema. However at least in principle exercising the 'right' to choose is discriminatory. If I purchase a Holden, am I discriminating against all other car manufacturers? Whether I choose to be offended by another's comment or action is up to me. If I so choose, & there are provisions for substantial financial or other societal gains on associated grounds, I am more likely to be very offended. That is our Nature. How does one defend an 'outrage' claim? Surely it is the responsibility of the plaintiff to demonstrate beyond reasonable doubt the harm/threat/inconvenience caused; and not a 'chosen' reaction to an expressed opinion. It should not be the defendant's task to 'prove' any statement was not made with 'malicious intent'. After all, it has long been recognised: "Heav'n has no rage, like love to hatred turn'd, nor Hell a fury, like a woman scorn'd".

Onus of proof of 'injury/damage/threat must be the responsibility of the plaintiff. All too easily can pride, irrational thinking, exaggerated sensitivity & an ulterior motive precipitate legal action. I support whole-heartedly a 'right' to complain or to accuse; but concomitantly there needs be a responsibility to prove the substance of the complaint or accusation. Or has the idea one is innocent until proven guilty been superseded?

NO One has any 'right' to impugn the moral integrity of another; especially of one within the Medical Profession. At its best Medicine is a covenantal profession within which the doctor has an obligation to do what is considered most to the patient's benefit. At its worst it is contractual wherein I employ my medico to do what I wish & to achieve the result I desire. Denying any Doctor the 'right' to follow his judgment/experience/conviction, on whatever grounds such judgment is made, is a gross travesty of Justice and denial of basic 'freedoms'/responsibility. Sexual practices are not sacrosanct. Promiscuity increases the risk of infection; as does 'playing in a sewer'. Behaviour is criminal if I fail to intervene if someone plays with matches & gasoline; also if I fail to discuss the inherent dangers of an elevated blood cholesterol, a high blood pressure & overweight.

Chosen lifestyles carry certain probable consequences. It seems none have a natural immunity to the HIV; but specific behaviours greatly increase the probability of infection. Similarly anyone can be eaten alive by piranha fish; but the possibility is negligible unless one swims in South American fresh water.

Great care in the choice of words, with exact expression of provisions but no certainty others will subsequently so interpret, makes drafting of 'anti-discriminatory' legislation a veritable 'minefield' heavily mined; if only the claims of the plaintiff are considered valid.