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Keynote Address to the SymposiumL Defining Families: Gays, Lesbians, and the Meaning of Family

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SYMPOSIUM

DEFINING FAMILY: GAYS, LESBIANS, AND THE MEANING OF FAMILY

KEYNOTE ADDRESS

Beatrice Dohrn*

The topic "defining family" provokes for me the basic question: "Why do we need to?" Should there be a higher authority than those who inhabit a family, to determine whether a particular grouping of people is a family? What rationale can there really be for the State to permit certain configurations of people to formalize and legalize their relationships, while denying that privilege to those in other configurations? Further, what is the logic in a system which practically does not allow people, who wish to do so, to assume the full rights and responsibilities of "family," while at the same time irrevocably, even involuntarily, imposing itself upon certain other relationships?

Perhaps there are good reasons for the latter. If "family" is one of our society's key structures, then perhaps imposing relatively permanent rights and responsibilities upon a family makes sense. The argument is, you should not really be allowed to disown your parents, or your kids. You are not allowed to disinherit your spouse.

Still, where is the logic in limiting that stability to those who are related in some ways but not in other ways? If society benefits when, for example, the law would impose obligations upon the father of my child if we were heterosexual partners, then how can it be to the social good that when I plan and have a child in a couple with my lesbian lover, it is nearly impossible to ensure that she will bear the same responsibilities and rights? If every American needs and deserves insurance to ensure access to health care, how does society benefit when one person who works for The College of William and Mary can insure the woman with whom he lives because they are married, but another employee cannot insure the man with whom he lives because they are not, and are not currently permitted to be, married?

There is really only one answer to the question I am posing. If there is value in elevating the relationships between men and women above all other relationships, and as an extension of that, between those related by

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blood, then the system under which we live does make sense. But what real value is there in structuring our society to exalt a characteristic of a majority of its members in order to ostracize and denigrate those in a minority?

For those of you who react by thinking, “What is so wrong with a society that supports, and even encourages traditional families,” let me pull a few strands from the knot that we are examining. Traditional is not the issue. The tradition of being heterosexual and formalizing one's intimate relationship through marriage began the same day as the tradition of being lesbian or gay and being foreclosed from marrying began.

My point is that when we use the term “non-traditional family” there is the implication that there is something new about the family forms that we are talking about and that they are in contrast to an established and uniform lifestyle, from which this new path diverges. It is, of course, a myth that there is a traditional family. That myth is shattered by the numbers you will hear in the news about how many Americans do not live in a “mom and pop operation” with one breadwinner, one caregiver, two kids, a dog, a car, and a house. I am also concerned, however, with the fiction that even those families are an amalgam of several pre-determined and uniform job descriptions: that aside from the gender roles associated with work and nurturing, there is also a fixed slate of qualities, characteristics, and values provided by a woman—presumably “The Mother”; and that another set is provided by “The Father.” It is this conception of “family” that gives rise to the notion that children need to live with a man and a woman in order to assure exposure to the whole slate of important qualities. Perhaps you did not realize that marriage licenses are not granted to couples who do not cover all of the listed qualities.

Seriously, though, I am quite sure—and I have extensive experience growing up in a heterosexual, so-called “traditional” family, as do nearly all of my friends—that every single family is different, in terms of which of its members can be relied upon to model which qualities. It is too long a discussion to have now, but if you thought about the qualities that really matter to you, you would not be able to say that some are possessed only by women, who are “The Mothers,” and others only by men—“The Fathers.”

Having told you that, I have some questions about whether there really is such a thing as a “traditional family” once you look closely. I would like to move past that debate by agreeing for now that the majority of families hang together in some way around a sexual relationship and that the majority of those are heterosexual relationships. There are fewer lesbians and gay men than there are non-gay people. Notwithstanding this, and even in times and places—they do still exist—where homosexuality is

a death sentence, there have always been some people who are gay just as there were many who were not. So, when we use the words "traditional family," in the context of discussions like this, we are really talking about the difference between a majority and a minority.

I have never understood what principal or logical tool allows the conclusion that because more people are heterosexual, they are somehow "right" and worth societal support; and that those who are in the minority are somehow "wrong" and ultimately should be changed, or eliminated. If you believe, however, that our law and our society's fabric have as a proper goal to support the institution of marriage and the family as they are presently defined, that is the premise that you support. Any argument that you can make that access to our society's institutions should continue to turn on whether your family looks one way and not another, must ultimately contain the judgment that some families are to be discouraged while others are to be protected.

To the lawyers in the house, this should be a particularly troublesome concept. Is not this the tyranny of the majority that the framers of our constitution sought to prohibit?

In addition, it should be troublesome to us all that so much, in fact all, of the ultimate support for the notion that unions between men and women are meant to be, while other unions are not, requires the invocation of religion, or ideas which rely heavily on one or another religious doctrine. No matter what our faith, no matter how dearly held, we should all remain vigilant when those beliefs form the foundation for law and government.

It all leaves me wondering, quite simply, what it is that is so difficult about acknowledging that there are differences among us. If more people live in heterosexual families, why would it have to be that all must do so? I can think of dozens of other characteristics which can be divided this way—more people are right handed, but there is such a thing as being a lefty—what harm?

You may think that I am making too much of a simple proposition, that this has little to do with tonight's complex topic of how the law should handle lesbian and gay families. Large factions of our society today, however, are stuck on proving that there is only one natural way to be. If that were not true, and if our law were not so responsive to that proposition, we would not be here to discuss tonight's topic. But, we also would not be here if it were not also true that there always have been and always will continue to be lesbian and gay families. As reproductive technology continues to advance, those families and others not defined by the "minority sexual orientation" will continue to move farther and farther outside of the nation's existing body of law. The option to ignore this family form has faded, so let's talk about it.