Slippery slopes and the queer parenting Armageddon: Normalising and radical responses to arguments about the importance of maternal and paternal influences in childrearing

Victoria Clarke

Abstract: In this commentary, I respond to Sir Mark Potter’s assertions about the importance of marriage as an institution and of maternal and paternal influences in childrearing. These are well-worn justifications for the denial of lesbian and gay rights, particularly with regard to relationship and parenting rights. Such arguments are readily apparent in discourses surrounding, for instance, efforts in the US to define marriage as an exclusively heterosexual institution, lesbian mother custody cases, and lesbians’ access to donor insemination and IVF. There have been two main types of response to such arguments in legal/policy and academic contexts and in everyday discussions of lesbian and gay families: first, attempts to prove that fears about the absence of male (or female) influence, and the implications of this absence, are misplaced, and second, radical deconstructions of the assumptions underpinning these arguments. I provide examples of both these types of response and weigh up some of their pros and cons. This commentary concludes by highlighting the ambivalent legal status of queer parenting.

Keywords: fathers, gay parenting, lesbian parenting, marriage, maternal influence, paternal influence, same-sex marriage

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It is apparent that the majority of people, or at least of governments, not only in England, but Europe-wide, regard marriage as an age-old institution, valued and valuable, respectable and respected, as a means not only of encouraging monogamy but also the protection of children and their development and nurture in a family unit (or "nuclear") family in which both maternal and paternal influences are available in respect of their nurture and upbringing. The belief that this form of relationship is the one which best encourages stability in a well regulated society is not a disreputable or outmoded notion based upon ideas of exclusivity, marginalisation, disapproval or discrimination against homosexuals or any other persons who by reasons of their sexual orientation or for other reasons prefer to form a same-sex union. If marriage, is by longstanding definition and acceptance, a formal relationship between a man and a woman, primarily (though not exclusively) with the aim of producing and rearing children as I have described it, and if that is the institution contemplated and safeguarded by Article 12, then to accord a same-sex relationship the title and status of marriage would be to fly in the face of the Convention as well as to fail to recognise physical reality... (Wilkinson v Kitzinger & Ors [2006], my emphasis).

Two wrongs don’t make a right; two queers can only make a poof or a dyke

In this short commentary on the High Court decision in Wilkinson v Kitzinger & Others [2006] HRLR 36, I consider the assumptions about parenting and family, and, in particular, about lesbians and gay men and other non-heterosexuals raising children, that underlie Sir Mark Potter’s justification of his decision (quoted above).

This reasoning is nothing if not familiar—the argument that the nuclear family is the ideal family form and the best environment in which to raise ('normal') children, and that same-sex marriage represents a slippery slope to polygamy/group marriage, queer parenting and the very destruction of civilisation has been aired time and again in discussions of non-heterosexual's relationship and parenting rights (see Smith & Windes, 2000). The reasoning also alludes to the best interests of the children, another familiar trope in these discussions. Similar sentiments were expressed by the US President George W. Bush in a speech delivered on 22 February 2004, in which he declared his support for an amendment that would define marriage exclusively as a union between a man and a woman: “Ages of experience have taught humanity that the commitment of husband and wife to love and to serve one another promotes the welfare of children and the stability of society” (quoted in Newman, 2005, p.
More recently, the Institute for American Values (IAV) (a conservative think tank based in New York) published a report entitled, *The revolution in parenthood: The emerging global clash between adult rights and children’s needs*. In this report, concern is expressed about the challenges being posed to the “two-person, mother-father model of parenthood” (IAV, 2006, p. 5). Same-sex marriage is argued to be at the forefront of these challenges. For instance, the authors point to the fact that following the legalisation of same-sex marriage in Spain, birth certificates now read ‘Progenitor A’ and ‘Progenitor B’ instead of ‘mother’ and ‘father’. Such changes are thought to represent the valorisation of adult’s rights and the commodification of children—“But what about the children?” (p. 6), the authors ask. The Ireland High Court recently refused to recognise the Canadian marriage of a lesbian couple, Katherine Zappone and Anne Louise Gilligan (see Schultz, 2006). The case included a lengthy debate about the merits of psychological research on same-sex parenting (see http://www.kalcase.org/KAL%20Zappone_v_Rev_Commrs_Judgement.doc). In her 138 page ruling, Justice Elizabeth Dunne expressed concerns about the welfare of children in lesbian and gay families and endorsed Sir Mark Potter’s comments about the importance of maternal and paternal influences in childrearing.

If we travel back in time to the 1970s, judges in lesbian mother custody cases drew on very similar discourses to justify their decisions to award custody of children to the father and/or to place limits on the mother’s custody/access and behaviour. Sexological constructions of lesbians as pseudo-men (and therefore incapable of providing proper gender role modelling) emerged in the courts, alongside assumptions about fathers as producers of appropriately gendered and heterosexual children (see Kelly, 2005, for evidence of the continuing power of this assumption). In one lesbian mother custody case, it was argued that a boy could only “develop along strong normal masculine lines” (Anonymous, 1976, quoted in Rights of Women Lesbian Custody Group, 1986, p. 110) in the custody of his father. In case described by Stephens (1982), a report produced by a psychiatrist acting on the behalf of the father noted that “in the absence of a father or father-figure, male identification is not possible unless a substitute father is provided and this, within the setting of a homosexual environment, would not be satisfactory” (p. 94). The revision of the Human Fertilisation and Embryology (HFE) Act 1990 and the mooted scrapping of the so-called welfare clause—the provision of ‘treatment’ being contingent upon the consideration of the welfare of the child and the need of that child for a father—has given new life to arguments about the importance of marriage and paternal influences in childrearing. The *Daily Mail* (July 15, 2006), in an article on a planned lesbian family, introduced its readers to “the world of modern-day, same-sex parenting where fathers don’t even get a walk-on part in their children’s lives” (p. 30). The featured lesbian couple was implicitly presented as selfish for supposedly prioritising their needs over those of their son and ultimately for denying their son a father: “almost all of their talk centres on how fulfilled they feel as parents rather than how
Ben might feel in the future about not having a dad” (p. 30). The author of the article, Helen Weathers, noted that “many child experts believe that it is vital in a boy’s development, once he reaches the age of six, to identify with a strong, male role model to learn how to become a man” (p. 30).

**Talking Back?**

How should we respond to these discursive practices (and how have they been responded to in the past)? There have been two main forms of response—first, what US sociologist Judith Stacey (1996) calls the ‘prove otherwise’ response: the use of social scientific research findings and discursive strategies of normalisation to counter assumptions about the absence of male influence and its implications for child development. This was the path taken by politically radical psychologists in the 1970s in response lesbian mothers losing custody of their children in hostile courts. Expert witnesses in early custody cases had only psychological theories or their own clinical experience to draw on—time and again, judges ‘preferred’ the testimony of the father’s expert witness, which usually drew heavily on psychoanalytic theorising to predict poor outcomes for children. Professor Susan Golombok, in her recent keynote at the 2006 Lesbian & Gay Psychology Section Conference, described her motivation for conducting one of the first ever empirical studies of lesbian parenting (Golombok et al., 1983) in terms of providing scientific support for lesbian mothers in crisis. As I have discussed elsewhere (Clarke, 2006, 2007), Golombok et al.’s study, and other early studies (e.g., Green et al., 1986, Kirkpatrick et al., 1981), used a quasi-experimental model, comparing groups of divorced lesbian mothers and divorced heterosexual mothers. The focus was on whether children in lesbian mother families were adversely affected by their mother’s sexual orientation. There was a particular emphasis placed on measuring children’s sexual identity development and whether the family environment continued to approximate the heterosexual milieu of children’s early years. These studies indicated that children's sexual identity development was within the normal range (and the authors provided vivid examples of boys and girls engaged in gender appropriate activities). These studies also provided compelling evidence of lesbian mothers holding positive attitudes towards men and instigating and maintaining relationships between their children and a number of men (including the children’s father). The assumption that children would be ‘missing out’ and deprived of male influence was shown to be faulty.

Subsequent research has addressed some of the limitations of these early studies—e.g., the failure to examine children being raised in lesbian households from infancy (Golombok et al., 1997) and the failure to consider the role of the lesbian co-mother or social parent (Tasker & Golombok, 1998). Interestingly, these later studies have confirmed the findings of the original research. The major conclusion drawn from this literature is that parental sexual orientation and family structure have little significance for child development,
what counts are family processes: “it seems to be family processes (such as family conflict), rather than family structure (parental sexual orientation and number of parents), that have the greater influence on children’s psychological adjustment” (Tasker & Golombok, 1998: 50-1). Commentators have suggested that this body of research, including especially the pioneering early studies, alongside changing social attitudes and years of lesbian and feminist campaigning, has effected significant changes in the courts’ approach to lesbian parenting (Clarke, 2006, Harne et al., 1997).

The discursive strategies used by lesbian mothers and their allies in more everyday settings like media debates about lesbian and gay families overlap with those used by psychologists. My (and colleagues) analyses of media coverage of lesbian and gay parenting (see Clarke, 2006, 2007, Clarke & Kitzinger, 2004, 2005, Clarke et al., 2004) identifies an overwhelming tendency for lesbian parents to demonstrate how they measure up to normative expectations. For instance, lesbian mothers and their allies respond to arguments about the missing male presence in their families by highlighting the reality of men in their extended families and of men-in-the-world and by normalising fatherless families (see Clarke, 2002, 2006, Clarke & Kitzinger, 2005). Typically, lesbian mothers do not challenge the assumption that male presence and influence is crucial, rather they signal that their children will not miss out or that their families are no different from other fatherless families. Although children in some lesbian/gay families do have a mother and a father, this strategy can falter in the face of assertions that there can be no compensation for a biological father and for a marital relationship between two opposite-sexed parents (see Clarke & Kitzinger, 2005).

A second set of responses to arguments about the importance of marriage and appropriate gender role modelling and the pre-eminence of biological fatherhood, centres on the radical critique and deconstruction of these (and other) assumptions. This, more overtly political, type of response has a history almost as long as the liberal, scientific ‘prove otherwise’ tradition. A number of early lesbian parenting anthologies and movement publications sought to “expose the myths” (Rights of Women, 1984: 17) surrounding lesbian parenting and challenge the heteronormative assumptions underpinning arguments about “appropriate sex roles for boys and girls” (Pollack, 1987: 321) and “the absence of a male model” (Pollack, 1987: 323). These early lesbian feminist critiques have informed more recent academic critiques (see Clarke, 2002, Hicks, 2000, 2005) that have centred on, among other things, the deconstruction of normative theories of gender and sexuality development. Sir Mark Potter’s reference to the importance of maternal and paternal influences in childrearing invokes a range of psychological and sociological theories that emphasise the importance of parental influence in children’s acquisition of gender and sexuality. Both sociological socialisation theory and psychological social learning theory—often glossed as gender role modelling—posit that children require two opposite-sex role models within the home in order to acquire (normative) gender and sexual identities. As Hicks (2000) points out, such theories
rely on “a conflation of ‘sex-gender-sexuality’, so that each is assumed to flow naturally from the other” (p. 158) in heterosexuals. Sex, gender and sexuality are assumed to be fixed and essential—sexuality involves the expression of innate desires, and gender signals the correct ways of behaving for women and men, which flow from our biologically determined sex. Heterosexuality is the normal expression of the sex drive of appropriately gendered women and men. Because gender role models should be ‘complementary’ and ‘balanced’, lesbian and gay parents are often assumed to be incapable of appropriate gender role modelling, and even to act as homosexual role models for children.

Hicks (2005) argues that such theories and lesbian parenting research view lesbians and gay men as essentially different from heterosexuals: “the categories ‘lesbian’ and ‘gay’ are seen as referring to a distinct type of person with a set of characteristics that can be transmitted to children” (p. 154). This paradigm relies on the assumption that gender and sexuality are “things acquired by children as a result of parental, environmental and genetic influences” (p. 154). Hicks and others argue from a social constructionist standpoint that gender and sexuality are not essential ‘things’, but are the effects of a range of discursive practices and the products of social interactions. Gender and sexuality are produced and regulated through the media, advertising, clothing, consumption, and everyday talk and interaction. Hicks and others have posited alternative models of gender and sexuality—such as Judith Butler’s argument that gender identity is neither natural nor essential but nonetheless foundational, and occupies the status of a social norm that serves particular regulatory purposes. In Butler’s view, there is no gender identity or social actor that lies behind expressions of gender rather “identity is performatively constituted by the very ‘expressions’ that are said to be its results” (1990: 25).

I have found very little evidence of radical critiques being used successfully in media debates about lesbian and gay families—occasionally, radical gays and lesbian feminists attempt to launch arguments about the normalisation of queer culture through parenting and marriage, but typically such arguments only fuel anti-lesbian/gay objections to same-sex families or falter when confronted with the liberal heterosexual imagination, and the inability to comprehend that some non-heterosexuals don’t want to be ‘just like you’. Interestingly, on the odd occasion when a more or less ‘successful’ challenge is made to normative assumptions, these challenges are usually launched by children of lesbian and gay parents (see Clarke & Kitzinger, 2005). Children’s experience of the world (and their needs, rights and so on) occupies a rhetorically potent position in discussions of same-sex parenting. Because arguments about ‘the best interests of the children’ are very often employed as bottom-line interventions in these discussions, children are invested with significant experiential authority.

As I have pointed out elsewhere (e.g., Clarke, 2002), radical critiques have been useful for highlighting the political costs of lesbian parenting research and normalising court room strategies and for providing a space for lesbians to assert pride in their sexual
difference and the “radical alternative lesbian lives can model” (Pollack, 1987: 316). However, there is little evidence of radical critiques resulting in direct and concrete political gains for lesbian parents.

Lesbian and gay and other non-heterosexual families continue to occupy an ambivalent legal and social status. For example, although the provisions of the Adoption Act 2002 permit same-sex couples to adopt jointly, critical commentators have expressed scepticism about whether some social workers and others involved in the adoption process will be able to resist the beguiling force of heteronormative assumptions in order to enact the provisions (see Clarke & Saffron, 2006, Hicks, 2000). This said, the Adoption Act 2002 is a relatively radical piece of legislation, other countries that offer some form of legal recognition (including marriage) to same-sex couples, often explicitly exclude adoption (and fostering) rights from the package of rights and responsibilities attached to the recognition. For instance, as the LGB equality and justice organisation, Stonewall (2006), outline, Belgium has permitted same-sex marriages since 2003, but Belgian law does not provide for adoption by a same-sex couple or a same-sex partner, unlike in opposite-sex marriage (it also does not provide for the presumed ‘paternity’ of the partner of a woman who gives birth during the marriage1). Similarly, proposals for Civil Partnership in Ireland (published by the Labour Party just hours after the decision in the Zappone and Gilligan case) exclude adoption rights (see Edwards, 2006).

Sir Mark Potter’s, in many ways rather surprising, reasoning is almost bizarrely out of step with the current wave of radical legislation in relation to same-sex parenting rights in the UK. At the same time, it is very much in keeping with a global surge of opinion against same-sex parenting (the discussions about lesbian parenting, and psychological research on lesbian parenting, in the Zappone and Gilligan case is a rather vivid indicator of this). It seems likely that we will hear arguments about the importance of male and female role models and of marriage and the nuclear family for some time, and that these arguments will be wielded to prevent the extension of same-sex marriage and family rights. How best can we respond to such arguments? Given the unlikely event of a gender revolution any time soon, it is important to continue challenging normative assumptions about the importance of marriage and maternal and paternal influences in childrearing with scientific evidence and liberal common-sense, as well as seeking slowly to erode such assumptions through radical critique.

References

1 A similar state of affairs currently exists with regard to the Civil Partnership Act 2004, which means that social/co-parents are compelled to apply to adopt their own children. However, proposals for the revision of the Human Fertilisation and Embryology Act (see http://www.dh.gov.uk/assetRoot/04/14/13/15/04141315.pdf) include the provision that both partners in a lesbian couple will have automatic and equal parenting rights over a baby born with donor sperm.


Stonewall (2006) *Countries that recognise or proposed to recognise same-sex relationships*. Available from: [http://www.stonewall.org.uk/information_bank/partnership/international/137.asp](http://www.stonewall.org.uk/information_bank/partnership/international/137.asp)
