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The Gender diverse and the Genderless Conceptions of Marriage and Children's Right to Develop their Sexual Identity

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Abstract

The article is a philosophical analysis of the meaning structure of two competing conceptions of marriage with regard to children's right to develop their sexual identity. These two conceptions of marriage make different metaphysical assumptions about human nature, which lead to different conceptions about the preconditions of children's sexual development. The gender diverse conception assumes that human beings are born with a biological sex and they can be integrated persons only when living in terms with it. In order to develop their sexual identity they benefit from male-female interaction within the nuclear family. The genderless conception assumes that children are free to construct their sexual identity according to their inner experience and the main precondition for such an authentic development is an environment free of sexual stereotypes.

Keywords: *children's identity rights, sexual identity, conceptions of marriage*

The gender diverse (man-woman) and the genderless conceptions of marriage involve different assumptions about sexuality and the preconditions for the development of children's sexual identity. In this article I want to answer the question: What do these two competing conceptions of marriage mean with regard to children's right to develop their sexual identity?

The gender diverse conception of marriage assumes that the male and female sexes are mutually complementary and that children need the contribution of both

sexes in order to recognize and develop their own (sexual) identity. The development of children's sexual identity is seen as a process, during which children discover the potential inherent in their own biologically based sex. The gender division is seen as natural and as predating society and culture.

According to this view, gender is one of the natural limitations that human beings have and which they cannot overstep without harming themselves. Man and woman can relate to each other as persons but due to the sex/gender difference they are also incomprehensible to each other: they cannot exhaustively understand each other's gender on the basis of their own. Heterosexual relations involve "opening of the self to the mystery of another gender, thereby taking responsibility for an experience which one does not wholly understand" (Scruton, 2006: 306). In order to relate to this incomprehensible aspect of sex/gender, human beings need to transcend their conceptual limitations and enter into new ways of experiencing the other person. The male and female genders cannot be reduced to each other, but their interaction and union are preconditions for the well-being of the individual as well as society.

Genderless marriage implies the assumption that the division into two sexes and the complementarity of the sexes is not a natural part of humanity or of human relationships. Human beings are not bound to their biological sex, their individuality trumps male/female differences and they may choose their own way of defining their gender identity. Children's sexual development is seen as a process whereby children get in genuine touch with their own (variable) sexual and gender experience in order to define (construe) their gender without oppressive gender stereotypes. Even when gender is seen as a principle unifying the social roles of the individual and in that sense as "social essence," the emphasis is on the great variability of social norms and roles, which enables different interpretations of sexuality within different subcultures (Witt, 2011).

Two different conceptions of marriage

The traditional conception of marriage regards the mother, father and child as an inextricable unity. Maggie Gallagher (2012: 99) suggests that the meaning of the traditional marriage can be summarized in the following way:

> *Marriage is the exclusive, enduring sexual union of husband and wife, where the couple promises to care for each other and any children their union produces.*

The genderless conception of marriage, on the other hand, ends up with a reduced definition because it rejects the division into two sexes, their complementarity and their relationship to children:

Marriage is the loving, caring union of any two people.

The genderless conception of marriage defines marriage on the basis of the features common to same sex and diverse sex couples. One cannot expect same sex marriage to obligate couples to commit themselves to take care of the children born to the partners, since children are born only with the assistance and as biological descendants of a third party. In this way, same-sex marriage reduces into a union between the spouses without commitments concerning children. In genderless marriage this reduced meaning is then transferred to different sex marriages as well, as one cannot have a marriage to obligate different couples in different ways. Once this reduced conception of marriage is transferred to different-sex marriages, the result will be aborted and neglected children, since in different-sex unions children can be born even though their birth is not planned.

Gallagher's definition can be modified to bring out the meaning of the relationship between the sexes in different conceptions of marriage. The gender-diverse conception of marriage can be expressed in the following way:

The complementarity of the spouses of different sexes contributes towards the development of children's sexual identity: the parent of the same sex provides the child with a pole of identification and the parent of the opposite sex with the pole of contrast. Together the parents model the dynamic interaction between the sexes.

In this respect, the genderless conception of marriage can be expressed in the following way:

The division of human beings into men and women on the basis of the biological sex is suppressive and restricts individual freedom. Children growing up in a genderless context will be liberated from sexual stereotypes and are free to construct their sexual identity without enchaining frameworks.

The basic value supporting the genderless perspective is the freedom of choice applied to all individuals equally. Marriage is defined in an inclusive way in order to make room for alternative family structures. Once every human being has the right to marry in terms of his or her sexual orientation, children can grow up in

an environment free of sexual stereotypes, which allows children more freedom in the determination of their sexuality.

The gender diverse conception of marriage includes the principles of sexual complementarity, sexual exclusivity and permanence. By restricting the freedom allowed to the spouses, it provides a context for children to be reared by their biological father and mother and to experience the dynamics of the interaction between the male and female sexes throughout their development. The right to know and be raised by their father and mother is regarded as a human right.

The controversy between these competing views cannot be resolved without taking a stand with regard to the complementarity of the sexes and the general question about the good life, as Harvard professor Michael Sandel points out: "What counts as the purpose of marriage partly depends on what qualities we think marriage should celebrate and affirm. This makes the underlying moral and religious controversy unavoidable: What is the moral status of gay and lesbian relationships? – So, when we look closely at the case for same-sex marriage, we find that it cannot rest on the ideas of nondiscrimination and freedom of choice. In order to decide who should qualify for marriage, we have to think through the purpose of marriage and the virtues it honors. And this carries us onto contested moral terrain, where we can't remain neutral toward competing conceptions of the good life." (Sandel, 2010: 259–260). The meaning ascribed to marriage and children's rights is dependent on a wider conception of the good life, since justice involves promoting virtues and the common good.

The gender diverse conception of marriage

The gender diverse conception of marriage regards the biological division into the male and female sexes and their sexual complementarity as natural aspects of humanity and assumes that gender is based on biology. This conception is generally reflected in research evidence according to which mothers and fathers generally have different strengths in parenting and the absence of the mother or the father harms children's development in different ways. The different parenting styles of fathers and mothers and their complementarity expand children's experiential framework and improve their developmental opportunities. Living in a close relationship with their biological parents gives children access to knowledge that they need in order to develop their identity.

The differences between women and men, mothers and fathers, make an important contribution to the resources and developmental preconditions available to

children, since children are initially dependent on their immediate experience rather than conceptual frameworks. The presence of differences implies a plurality of alternatives which promotes learning. The differences between men and women expand children's world and activate their development while the different parenting styles of fathers and mothers balance each other.

According to the psychologist Rob Palkoviz (2013: 236), research supports the perspective that "children from families that have well-functioning males and females consistently engaged in parenting roles are advantaged because they can see how men and women perform a similar task similarly and differently." Palkoviz argues that children who obtain the most varied resources adapt best and they "are provided with a greater range of possibilities for modeling. They are exposed to collaborative sharing with a different level of maturity than others."

The central aspects of good parenting, such as a positive affective climate, constructive behavioral style and relational synchrony, are equally manifest in fathers and mothers. However, according to Palkoviz (2013: 224–227), children benefit from the unique parenting styles of mothers and fathers as they are typically modeled in child rearing. Mothers have an important significance in showing closeness, understanding and making applications suitable to the child's level of development. Fathers make an important contribution in developing openness toward the outside world, encouraging children to take risks and defend themselves.

The psychiatrist Scott Haltzman obtains similar results. Fathers and mothers make a unique contribution to child rearing. Halzman concludes his analysis by pointing out: "Fathers and mothers both matter, particularly if each can parent in a style that reflects their gender role. The evidence suggests that efforts should be made to educate society at large, and parents in particular, that gender differences in parents are real, and, rather than be extinguished or ignored, they should be embraced." (Haltzman, 2013: 318).

Insofar as the man-woman marriage is a low conflict one, it naturally promotes a positive attitude and confidence in both sexes and the functioning of their relationship. Insofar as the nuclear family models the dynamics between the sexes, children learn the unspoken behavioral cues on which the dynamics between the sexes are based. The ability to interpret these unspoken cues helps young people to develop relationships with the opposite sex. The development of such social skills and the associated positive attitude may be a greater challenge in a situation where the parents are able to exemplify only the dynamics within one sex (Doherty & Craft, 2013).

Child psychiatrist Jari Sinkkonen (2008: 62–66) suggests that the triadic relation between mother, father and child creates a multi-level, largely unconscious

process, which expands children's world. Father's presence "pumps air" into the dyadic relationship of mother and child and makes it triadic. The child can make comparisons that expand their comprehension. Their world expands exponentially.

According to John Milbank (2012), an individual born of the love between a man and a woman can trace their biological roots in interpersonal relations and narratives. When children are born of the loving union of their parents, they can understand nature as part of the narrative of love.

If children are produced as the commercial products of surrogate motherhood and sperm-donation (as distinct from the artificial assistance of a personal sexual union), the place of love as the origin of human beings is taken by money. An awareness of these cold and impersonal factors in their origin may often be difficult for children produced in this way. Thus, to lose the narrative of love would, according to Milbank, "compromise our deepest sense of humanity."

Insofar as the practices of surrogacy and sperm-donation separate children from their biological father and mother, they alienate children from their personal origin. Since these practices separate biology and culture, the natural and the personal, they give rise to an irresolvable impasse for children produced in this way. Increasingly, children resulting from anonymous insemination are rightly demanding to know who their natural parents are as they deeply sense that their identity is tied to their biological origin. But on the other hand, this justified request is intolerable for donors and surrogate mothers who gave their sperm or wombs on the condition that they do not have to bear responsibility for the children. "The recipe for psychological confusion, family division and social conflict involved here is all too evident and cannot be averted," argues professor Milbank (Ibid).

The dynamics between different sexes has a wider cultural application. This thought has been lucidly expressed by Fedor Dostoyevsky and his interpreter Mikhail Bakhtin (1988): The dialogue between opposite viewpoints enriches the participants and highlights their differences and uniqueness: such a process helps them to develop further in their individuality and uniqueness. In this way gender diverse families create preconditions for dialogical culture. Children growing up within a gender diverse interaction learn to empathize both with the masculine and the feminine emotions, practices and ways of thinking. This helps them to develop a dialogical inner world and to become active participators in the dialogues in their social relations. The gender diverse nuclear family has the potential to encourage children to expand into unfamiliar territory and simultaneously become more acutely aware of their own unique individuality.

The genderless conception of marriage

The word 'genderless' does not mean a negation of the significance of gender. The idea is to refute the idea of gender as something natural and essential and to understand it as relative to various meaning systems and cultural frameworks.

Since the genderless conception regards same sex parenting as of equal value as different sex parenting, the complementarity of the sexes is not regarded as inherently valuable: the sex of the parents and the dynamics of their gender complementarity have no significance for children's well-being and development. Gender is relatively independent of biological sex and predetermined gender roles unnecessarily restrict people's unique individuality.

This independence from biology is often expressed by differentiating between the biological sex and social gender. Sara Heinämaa (1996: 143), however, suggests that even bodily sexual differences are interpreted through social practices and meaning structures that are open and variable. The sexes that traditionally are understood as natural and essential are ideological creations.

According to this metaphysical assumption, sex and gender differences are not an essential and fixed part of humanity. Gender is fluid as it is based on individual experience and self-definition, even though it may be unessential in the sense of integrating the person's social identity (Witt, 2011).

The genderless view in its radical form presupposes that gender itself has to be deconstructed to avoid forcing people into stereotypical roles. There is no psychological, social or physical trait that appears in all men and provides the basis for traditional masculinity or in all women and creates a basis for femininity. Something becomes masculine or feminine when it is designated as masculine or feminine in certain social contexts. The perspective of two genders should, according to this view, be replaced by discourse about various ways of realizing sex and gender (Kekäle, 2007: 77).

The male-female differentiation is not based on nature – it is not inescapable or necessary. The very differentiation into masculinity and femininity as it is usually employed is dysfunctional and social practices would work out more smoothly if this distinction were dropped and the concepts radically changed. All sex/gender characteristics are dependent on our ways of perceiving and conceptualizing sex/gender.

Since sex/gender itself is not something essential but a part of a process of cultural meaning construction, the genderless conception of marriage emphasizes that neither mothers nor fathers are necessary but two loving social parents can replace them. Silverstein & Auerbach (1999: 397) were among the first to defend

the idea "that neither mothers nor fathers are essential to child development and that responsible fathering can occur within a variety of family structures." According to this view the contribution of neither biological parent is unique or necessary. It rejects the gender diverse view that the biological relation between the parents and the children gives a unique nature and intensity to the love between parents and children. Love is a choice and a spiritual attitude that is not dependent on biological relationships.

The genderless conception of marriage protests against the "heterosexual grammar" of culture by claiming that it promotes sexual stereotypes instead of personal individuality. Respect for individuality presupposes liberation from sexual stereotypes. In this way each person is liberated to express their own individuality in an egalitarian context where the desire of individuals to commit themselves to a close relationship with each other is not restricted by sexual stereotypes or other restrictive norms. Sexual stereotypes represent patriarchal oppression and human equality requires liberation from such oppression.

Shere Hite (1994) represents many social scientists in her emphasis that the plurality of alternative family forms is a positive development in Western society. Hite regards the nuclear family as oppressive, as it teaches authoritarian psychological models, humble submission in women and belief in the unchangeable right of male supremacy. The nuclear family is a patriarchal invention which men have created in order to enchain women in marriage and completely control their sexuality and their children.

The genderless approach, thus, downplays the significance of biology and materiality. The assumption is that adults biologically unrelated to the child may act as substitutes for the biological father and mother without any loss for the child: the sex of the parent or their biological relation to the child has no significance. Darren Rosenblum, a professor of Law at Pace University and a gay man who identifies himself as a "mother," writes in his paper *Unsex Mothering: Toward a New Culture of Parenting*: "In the actual act of parenting, biology plays no *necessary* role. Unsexed mothering is relational, not biological, and it is an act, not a fixed identity. While biological elements may undoubtedly further that relationship, one need not engage in these functions in order to mother a child. A male parent could say to others, 'I am the child's mother.'" (Rosenblum, 2012: 79).

Rosenblum argues that "biological elements" or biological functions are not necessary in order to mother a child. He does not defend universal androgyny, but a middle position which "allows fluidity among the sexes as to who is the mother." His fear is that "androgyny might undermine some of the playfulness and even electricity in sex role differentiation." He assumes that unsexing "mothering" and

"fathering" would "eliminate the restrictive and subordinating elements of parenting while allowing the adoption (and dismissal) of roles." In this way individuals could "choose their roles without regard to sex, yet it permits them to experience, even celebrate, if they wish, gender differences in parenting" (Rosenblum, 2012: 80).

According to this view, it is beneficial for children's sexual identity to grow up in a family that breaks up sexual stereotypes. To justify this claim reference is made to research according to which children fare better in the homes of same-sex couples than in traditional heterosexual marriages. Sexual roles in the homes of same sex couples are not fixed as both parents equally take part in caring for the children. The research supporting this view is often based on parent reports on the welfare and development of their own children, and of their own performance as parents (cf. Allen, 2015).

Although many research reports claim that there is no difference in the children raised in same sex and different sex families, Stacey and Biblarz (2001: 170–172) point out that such differences indeed exist with regard to sexual behavior even though scholars often fail to report it to analyze it further. As an example of positive sexual liberation, Stacey and Biblarz (2001) point out that young adults growing up in same-sex families are more inclined to sexual experimentation and homoerotic relationships than adult children of heterosexual families.

Conclusion

The gender diverse and the genderless conceptions of marriage involve different understandings of gender and gender complementarity. Thus, their views about the optimal conditions for the development of children's sexual identity are different.

The gender diverse conception regards sexuality and gender as given and biologically determined, whereas the genderless conception understands them as ways of acting, speaking, perceiving and conceptualizing. The genderless conception is more optimistic in its belief in the ability of children to construct their gender identity without clear gender models and close contact with gender complementarity. The gender diverse conception in its turn assumes that human beings cannot transcend limits set by their biological sex. This means that gender fluidity alienates human beings from themselves.

The gender diverse and the genderless views do have some similarities, however. Both assume that family structure has an influence on the development of children's gender identity, but these competing views value these effects differently.

While the genderless view regards sexual experimentation as liberation from harmful sexual stereotypes, the gender diverse view regards it as undesirable instability of gender identity.

Thus, children's right to develop their gender identity is understood in different ways. The gender diverse view defends children's right to grow up with their father and mother and regards that as essential for the development of their gender identity. The genderless view emphasizes children's right to grow up free from sexual stereotypes and the patriarchal oppression inherent in the nuclear family. The ideal is a free person who is not bound to the limits of her biological sex.

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