



**Adoption Rights.** Former foster parents Jon Holden and Michael Galluccio hold their newly adopted son, Adam Holden Galluccio, in Newark, New Jersey, on 17 December 1997, at the end of a long, successful court battle in the state for equal rights to adoption by same-sex couples. [AP/Wide World Photos]

By the end of 2001, almost half of the largest corporations in the United States had extended their own employee benefit plans to recognize same-sex partners (most of them also including de facto heterosexual couples for the first time). The vast majority of major universities and colleges had taken the same step by that time. While some of these changes were induced by legal or statutory change at the local or state level, others were the result of pressure from employee groups and labor unions, assisted by regional and national activist groups.

### Parenting Issues

Equity claims that raise the specter of lesbians and especially gay men in close contact with children are explosive, fueled by fears about sexual predation and childhood vulnerability. And yet parenting issues were among the first relationship issues to be raised by lesbians and gay men. From at least the 1970s, lesbian mothers were fighting openly for custody of children from earlier heterosexual relationships or defending themselves from the threat of losing custody. Pressure for change in parenting regimes intensified in the 1980s with the rapid growth in the number of gays and especially lesbians who had children as same-sex couples, or who aspired to. It also came from the prominence acquired by other relationship issues from the end of that decade on and the increased visibility of openly lesbian and gay couples.

Parenting claims in such areas as custody, adoption, foster care, and assisted reproduction lie within state jurisdiction, though individual courts have considerable room for maneuver. Custody disputes regularly appear before state and local courts, for example, and adoptions have to be approved in them. The particularly compelling circumstances of individual disputes or claims for second parent adoption in court have resulted in a surprising number of favorable rulings. Some of these decisions have been in states without much else in legislative or legal recognition of sexual and gender diversity.

On custody, there were favorable rulings in the 1970s (the first reportedly in 1967), but often they were accompanied by rules prohibiting cohabitation with a same-sex partner, or indeed any outward manifestations of homosexuality. By the 1980s most jurisdictions had adopted the “best interests of the child” standard in adjudicating disputes, in theory reducing the categorical exclusion of parenting claims by lesbians and gay men. An additional opening seemed to appear with *Palmore v. Sidoti*, a 1984 ruling by the U.S. Supreme Court on a race-related case, which stipulated that judges should not award custody on the basis of society’s prejudice. Indeed, across that decade there were several important appeals court decisions that recognized lesbian or gay custody claims, most notably in West Coast states. But these shifts often coexisted with the continued application of closeting restrictions (obliging

parents to keep partners away and in other ways to remain discreet about their homosexuality). There were also rulings by other courts that amounted to a categorical exclusion. In the 1990s there were startlingly negative appeals court rulings—often in southern states—aimed at shielding children from any exposure to homosexuality. And even in a decade marked by an overall shift to more equitable decisions on custody claims by lesbian and gay biological parents, the legal standing of nonbiological partners in same-sex relationships was rarely acknowledged. (This issue arose in access disputes involving now-separated same-sex partners.)

Adoption of children by lesbians and gay men, like custody, is not a new issue, since individuals have been legally able to adopt for a considerable time. From the late 1980s on, however, adoption claims have been more likely from same-sex couples seeking a formalization of rights and obligations for nonbiological parents through what are called second parent adoptions. An Alaska court granted what was probably the first such adoption in 1985, and many have followed it. On the other side of the ledger, there have been important appeals court rejections of such claims, even in states with otherwise positive records on sexual diversity (for example, California and Connecticut). There are also legislated or administrative bans on such adoptions in Florida, Utah, Mississippi, and Arkansas. About half of the states have seen little or no progress in recognizing adoption claims by lesbian or gay couples. But from the mid-1980s, favorable court judgments have been made in a striking array of states, including, for example, Tennessee in *In re Adoption of M. J. S.* (2000). In Vermont and Connecticut, second parent adoption was legislatively recognized in 1995 and 2000, respectively.

Positive outcomes for couples seeking the adoption of a child to whom neither partner is biologically related are much scarcer. They have been achieved through court rulings in Vermont, California, and New York. A favorable New Jersey verdict in *Holden and Galluccio v. New Jersey Department of Human Services* (1997) led to a change in state policy according equal treatment for homosexual and straight adoptive parents. By and large, however, there are immense legal barriers to “stranger” adoption, echoed in the placement policies of agencies and in rules established by countries (like China) that are the point of origin of many children adopted by U.S. couples.

Policy shifts in foster care are harder to chronicle. Few of the relevant agencies have taken significant steps to recognize sexual diversity among prospective foster parents. But chronic shortages of suitable homes for children and adolescents has meant that gay and lesbian cou-

ples have often been quietly given custody, especially of children who were otherwise difficult to place. A few states have had official policies (as with Arkansas); more have had informal rules prohibiting fostering by homosexuals. A few political and judicial challenges have been successful against such barriers (for example, forcing abandonment of Massachusetts’s exclusionary policy in 1990, and allowing exceptions to Florida’s prohibition on gay and lesbian fostering). Discrimination widely persists in the standards used to accept same-sex couples as foster parents and in the allocation of difficult foster children.

The development of facilities specializing in assisted reproduction has created new parenting options for many lesbians in particular. Most reproductive services in the United States are private and relatively unregulated. This means that clients have to bear the costs, creating effectively unequal access, and especially so because most insurance policies do not cover the costs. But it also means that services have emerged to address a growing market of same-sex couples, and some have mail-order operations that widen their geographic reach. Same-sex couples, of course, have to secure second parent adoption for the nonbiological parent even in the absence of a known donor, in contrast to the routine registration of parentage for married couples.

Gay male couples more seldom benefit from such openings, since they can secure biological parentage only through surrogate motherhood, with its extraordinary costs and not inconsiderable ethical dilemmas. Some states allow only married couples to enter into surrogacy arrangements, and it is not yet clear how many others would treat such arrangements as permanently voiding the biological mother’s parental rights.

On parenting issues more broadly, even if stereotypes portray lesbians as not feminine enough, the fact that women are seen as more nurturant and child-centered than men creates some room for social acceptance of their parenting claims. The visibility and resources required to make parenting claims create class and race differences in the effective ability to pursue cases. Courts are also more receptive to claimants who conform to images of respectability and financial security. Such factors make claims from bisexuals (more likely to be seen as unstable in their relationships), and even more from transgender women and men, much more difficult to mount and to win.

### Cause and Effect

Change in relational and parental regimes have been effected most significantly in northeastern and West Coast states, along with Hawaii and the District of

Columbia. Most states have seen few or no steps toward recognizing lesbian and gay relationships, though within many there are municipalities and nongovernmental employers who have made changes within the limited policy terrain they control. Across the United States, steps toward equity have met fierce opposition and more than a few setbacks.

The pressure for change has come from activist networks and individuals, sometimes seeking court redress on their own, more often supported by equity-seeking groups. The national groups supportive of family policy claims include Lambda Legal Defense and Education Fund, the National Gay and Lesbian Task Force, and the Human Rights Campaign. Additional leverage has been provided by supportive allies, including organized labor, progressive religious groups, civil libertarians, and corporations recognizing the role of inclusive policies in attracting educated talent. Incremental change has come in part from courts faced not with a hypothetical argument about relationship recognition, but an existing well-functioning family arrangement, or a past one marked by tragic loss. Many second parent adoption claims are made by couples who can prove devotion to their children and who are not facing opposing arguments from directly involved parties.

Contributing subtly to a shift in climate over family policy is the ascendancy of anti-state and anti-welfare politics. Neo-liberalism emphasizes self-reliance and the obligations of family members to provide the kinds of material supports that otherwise would result in dependence on the public purse. This reinforces privatizing trends in family law and bolsters argumentation for same-sex family recognition. For example, opponents of state regulation could argue that cohabitation of any sort implies ongoing obligations on each partner to provide support to the more disadvantaged of the two, during the relationship and after separation, thereby lowering the potential drain on state resources.

The neo-liberal logic in favor of same-sex relationship recognition is weakened in the United States by the strength of social and religious conservatism. Republicans are still ready to campaign vigorously against the recognition of same-sex couples, with the support of the religious right and other conservative groups prepared to apply very considerable resources to recognition issues. Democrats are much more likely personally to support equity, but they are far from unanimous and regularly fear for their electoral futures if they press too hard. They also operate within complex political systems that easily produce stalemate.

Where law and policy do offer some recognition to LGBT families, there is still extensive statutory inequality, not least because of the absence of change at the federal level. There are also questions about the extent to which legal change is fully and equitably implemented by state officials, lower court judges, child-related agencies, medical personnel, funeral directors, insurance agents, human resource managers, and so on. Many LGBT people are not actually in a position to secure legal recognition, because of fears over disclosing their status. There are of course class, gender, and ethnic differences that influence the likelihood that such openness will be seen as safe. Claims are also easier to secure for those whose relationships most resemble traditional family structures, and for those whose social demographics conform to white middle-class norms.

There is a risk that legal shifts are being contained within heterosexual frameworks, sustaining discrimination against those whose intimate relationships do not fit easily within such models. But gains also contribute to the longer-term unsettling of the traditional family form brought on by the women's movement and by longer-term social and economic forces. They also increase the overall visibility of sexual and gender diversity and bring to the foreground the very fact of LGBT intimacy. The beneficiaries of change in any one policy area may not be broadly representative, and the extent of change is itself patchy and insecurely won. But those gains that have been won are of deep and broad importance.

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**See also** ANTI-DISCRIMINATION LAW AND POLICY; COLORADO; DISCRIMINATION; FAMILY ISSUES; FEDERAL LAW AND POLICY; MARRIAGE CEREMONIES AND WEDDINGS.

## FASHION, STYLE, AND CLOTHING

Clothing, fashion, and other aspects of personal style have often held special significance in the lives of sexual minorities and gender variants. For queers and non-queers alike, fashion has been a means of creative exploration, self-expression, and group identification. It has also functioned as a social, economic, political, and cultural system for communicating (or hiding), among other things, one's social status, nationality, age, political beliefs, and ethnicity.

However, the close proximity of clothing to the surface of the body has often engaged it with issues of gender and sexuality and therefore makes it especially meaningful for queer folk. Outward appearance has long been the subject of social regulations enforcing sexual and gender norms, but also a favored place for articulating challenges to gender conformity and the very idea of sexual normality. Many queers have demonstrated a willingness to “play” with clothing and style in a manner often deemed threatening or subversive by social and cultural authorities.

The potentially dire, even life-threatening, consequences of such transgressions mean that the myriad stylizations composing queer fashionability have often represented perilous and profound political acts. Queers have used clothing and other elements of personal style to communicate sexual tastes and gender styles; to reform, augment, or minimize various parts of the body; to produce or heighten sexual desirability; and to visualize potentially invisible (and hide potentially visible) sexual and gender identities.

### The “Homosexuality” of Fashion

Histories and theories of fashion and clothing are riddled with homophobic generalizations about the inherent homosexuality of fashion. Based in the stereotype that all fashion designers are homosexual men and that all fashion is for heterosexual women, innumerable psychologists, psychoanalysts, and other social commentators have argued that the engine of the fashion industry's seasonal cycle was fashion designers' neurotic hatred of and obsessive identification with women. The close engagement of fashion, gender, and sexuality is evident in the longtime association of fashionable men and homosexuality, a trope based in codes of heterosexual masculinity.

Since at least the seventeenth century, any man who showed too great an interest in clothing, fashion, or other aspects of outer appearance was subject to charges of effeminacy, profligacy, or superficiality. Ephemeral fash-

ion was considered the proper domain of “inconstant woman,” and nattily attired men were regularly caricatured as fops, dandies, bucks, macaronis, exquisites, or swells, all terms indicating some departure from masculine gender norms and frequently implying sexual perversion or deviance.

The coupling of fashion and homosexuality continues today in the stereotype of the trendsetting and effortlessly fashionable gay man, often supplemented by a laundry list of mainstream styles and dressing practices that appear to have originated with gay men. By contrast, the fact that lesbians are also women has meant that their explorations of fashionable attire or other manipulations of physical appearance can be casually dismissed as a manifestation of, or a reaction against, stereotypes of femininity, which in the popular imagination is believed to be naturally drawn to fashion. Ultimately, the myth of the homosexuality of fashion facilitates the devaluing of gay and lesbian interrogations of clothing and personal style as techniques for liberation, arenas of self-expression, and crucial aspects of sex, gender, and sexual systems.

**Queer fashion production.** Nevertheless, the historical association of fashion and male homosexuality seems to have allowed a wide variety of men in the fashion and style industries more freedom to explore the realm of femininity, and has encouraged gay men in these industries to be more open about their sexuality. Like the fine and performing arts, the fashion world has attracted men whose creative talents might not be fully employed or realized in other lines of work. Richard Dyer has argued that gays are well prepared for work in the style industries through years of practice mastering their self-presentation and mimicking heterosexual norms as a means of survival within an often brutally homophobic society. In turn, the apparent prevalence of gay men in the needle trades has worked to reinforce the stereotype of homosexuality as essentially “artsy” and fashion forward.

**LGBT people in the fashion industry.** Gay male fashion designers are perhaps the most visible queer folk in the style industries, now and in the past. A number of famous couturiers were openly or not-so-openly homosexual or bisexual, including Christian Dior, Cristóbal Balenciaga, Yves Saint Laurent, Jean-Paul Gaultier, Giorgio Armani, Gianni Versace, Todd Oldham, Norman Hartnell, Halston, Rudi Gernreich, Willi Smith, and Calvin Klein. The top-flight designer Tom Ford, creative director of the Gucci Group, which includes the Yves Saint Laurent boutique, has been publicly open about his bisexuality. Contrary to stereotype, these designers exhibited wide variations in personal style and mannerisms, from the campy prima donna to the conventionally masculine.

Less visible, but at least as important, has been the presence of queer folk in the affiliated garment industries. Notable gay fashion photographers abound, but one might cite as examples George Platt Lynes's work in the 1930s and 1940s and the work of Herb Ritts and David LaChapelle in the 1980s and 1990s. Queers have also worked as makeup artists, hairdressers, and stylists for couture runway shows, fashion shoots, and celebrity fashion events. Others have influenced national style through their costume, hair, and makeup work in cinema and television production. The gay makeup artist Kevyn Aucoin reached celebrity status for his work on famous faces in the 1990s, authoring three books on the subject. Many queers work quietly behind the scenes (but not necessarily in the closet) in the fashion print media as graphic designers, stylists, and editors.

### History of Queer Fashion to the 1980s

**Before 1900.** Although the sheer diversity of gender and sex variant people over time makes it hazardous to assert any single queer style at a given moment, there have been a number of identifiably queer fashion trends. Some Native American tribes have longstanding traditions of transgender or *berdache* figures who used androgynous clothing to signal their two-spirited status. Court records and personal documents from as early as the colonial era indicate enduring interest in cross-dressing, both on the stage and in personal life. Often, this was temporary and humorous; other figures passed their entire lives dressed as the other sex, only to be discovered upon their death.

The increasingly industrialized production of clothing over the course of the nineteenth century allowed more Americans to explore the expressive and formative aspects of clothing and style goods. The theatrical and musical stage featured a number of famous cross-dressing troupes and performers (although usually with a comic edge), and playful cross-dressing was a common pastime among young men and women at home and school. A movement for the reform of women's dress emerged in the 1840s, proposing a more hygienic, comfortable hybrid of men's and women's clothes, akin to a shorter skirt over billowy pants.

By the end of the century, many women who rejected traditional roles or were associated with various suffrage, feminist, and reform movements favored a masculinized form of women's dress, simply tailored in dark colors with white linen. Near-hysterical commentators often explicitly attributed the personal style of these women to same-sex desire. At the fin-de-siècle, a few rare personal accounts and an increasing number of legal and scientific publications noted the complex personal aesthetics of "inverts."

Many metropolitan homosexual men expressed their gender and sexual dissonance and communicated their existence to others like them through custom tailored suits, boutonniere flowers (green carnations), neckties (green, later red), and a preference for bleached, highly styled hair and makeup. Female inverts variously sheared their hair, chewed tobacco, dressed in men's suits, and pursued traditional male occupations and other women as love interests.

**From 1900 to the 1980s.** The early twentieth century witnessed the rising popularity and increased presence of professional cross-dressing men in musical and dramatic roles in vaudeville and theater, a trend that culminated in the 1930s. Some queer men continued earlier trends of feminizing the details of a masculine wardrobe and demeanor; others adhered closely to gender conventions. New York City's "fairies" adopted some (but rarely all) of the elements of conventional female style, such as fastidiously tailored, brightly colored clothing, as well as rouge, mascara, and face powder. Other gay men were visible only through a specialized vocabulary and effeminate manner, while still others passed with ease among "normal" men.

Some LGBT's who belonged to homophile groups countered homophobic efforts to characterize sex and gender variants as deviant or marginal by pursuing a strategy of respectability. Central to this was the presentation of a more mainstream, gender-conforming appearance: women in skirts or dresses and men in suits and ties.

The middle decades of the century saw the emergence of lesbian communities marked by the ritualistic use of clothing and grooming in femme-butch roles. Butch lesbians adopted the work clothes and suits and ties of working and middle-class male attire, while their femme partners favored more conventionally feminine styles in hair, clothing, and accessories.

Needless to say, adherents of the 1960s counterculture, both LGBT and straight, did not care very much for mainstream fashion, embracing long hair, beads, and flamboyant clothing. Such costume was seen as transgressing gender boundaries: One often-heard complaint was that hippies wore their hair "like girls," and to be sure, there was no shortage of LGBTs who found the countercultural message of liberation personal as well as political.

**From the 1970s to the 1980s.** The era of gay liberation and lesbian feminism ushered in profound shifts in the queer use of clothing. The working-class attire of leather, blue jeans, and white t-shirts that had been evident in gay male communities at mid-century became the visually dominant gay male style in the 1970s and 1980s. Where gay men had tended to feminize conventional masculine fashion, now their short hair, beards and