

Mediation of Children Issues When One Parent Is Gay: A Cultural Perspective

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The author suggests that the development of a homosexual lifestyle involves entering a new cultural perspective, a subculture essentially different from its heterosexual counterpart. The mediator's job is to try to interpret this new subculture in order to develop understanding between the participants that will allow them to continue their parenting tasks together while developing very different personal lives. One way of doing this is to act as both a "tourist" and a "tour guide." It is argued that by using this approach the mediator can become more effective in these cases.

The process of divorce is not easy; indeed, in many cases it is traumatic for everyone involved. Inter- and intrapersonal conflicts involving psychological and practical components can arise, leaving the divorcing couple struggling with questions about how they might respond both to each other and to the issues confronting them (Burrell, Narus, Bogdanoff, and Allen, 1994; Milne, 1988).

When the divorce includes a declaration by one of the parties that she or he is homosexual, there is an additional element to the couple's responses. For the heterosexual partner, the declaration can be seen as a life-threatening situation. Gochros (1989) argues that traditional beliefs about marriage, the dilemma as to whether to allow the declared homosexual partner to explore his or her feelings, and concerns about whether to confront the situation or ignore it, may all become important as the heterosexual partner tries to deal with the changed relationship.

Meanwhile the homosexual partner may face conflicts both within and outside the marriage. Within it are personal crises that must be dealt with before any positive change can occur. Communication difficulties can significantly increase when the heterosexual partner experiences severe grief

Note: This article is based on a presentation to the Second International Mediation Conference, Adelaide, South Australia, in Jan. 1996.

responses (Gochros, 1989), homophobic reactions, and moral dilemmas, resulting in high lack of trust and feelings of confusion and antipathy.

At the same time the homosexual partner may feel conflicted with regard to her or his relationship with such prevailing social structures as the Church, the medical profession, and the legal system, all of which have helped to shape our thoughts and belief patterns (Boswell, 1980; Fairchild and Hayward, 1979; Hanscombe and Forster, 1982; Hitchens, 1979–80; McIntyre, 1994; Weeks, 1977).

Lesbian mothers and gay fathers are confronted with acts of parliament that have traditionally criminalized homosexual acts, and it is argued that family courts “nearly always” award custody of children to a heterosexual partner over a homosexual one (Hanscombe and Forster, 1982). In Australia gay men still struggle with governments that try to repress open declarations of homosexuality, to the extent that in 1995 the State of Tasmania experienced both federal and international intervention in an attempt to change criminal laws relating to homosexuality. Other state governments place restrictions on the legalization of homosexual acts with high ages of consent and regulations regarding activities for homosexual people. Within the Family Court of Western Australia issues of homosexuality are sometimes brought to litigation when children are involved, and homosexual parents can feel threatened and vulnerable with little support.

The medical profession has traditionally considered homosexuality as a “perversion or deviation,” leaving some gay men and lesbians doubting that they are healthy-functioning individuals (McIntyre, 1994; Weeks, 1977). The Church has labeled homosexual feelings as “sinful,” to the extent that both psychological and adaptation difficulties can emerge (Boswell, 1980). It can therefore be difficult for a homosexual person to feel openly comfortable about his or her sexuality.

That homosexuality has been viewed in these somewhat negative ways appears to have shaped individual responses to declarations by others that they are homosexual. Fears are expressed that the declaration has in some way dramatically “changed” the person. Among other reactions are concerns that children might be at risk through exposure to their (now homosexual) parent’s new relationship (Gochros, 1989).

Behind such concerns appear to be a number of myths about the quality of parenting that can be offered by a parent who has declared him- or herself to be homosexual. Among them are myths that homosexual parents will raise children who themselves choose a homosexual life (McIntyre, 1994; Moses and Hawkins, 1982); that children of gay parents will develop psychological, sexual, and social problems (Hanscombe and Forster, 1982; McIntyre, 1994; Moses and Hawkins, 1982); that lesbian and gay male parents are “bad” parents because of the relationships they form (Hanscombe and Forster, 1982); that children brought up in gay households are at risk of molestation and sexual abuse (McIntyre, 1994; Riddle, 1977); and that exposure to displays of

affection between people of the same gender is harmful to children (Moses and Hawkins, 1982). As a result, the heterosexual partner may wish to sever contact, or at least significantly restrict it, between the children and their homosexual parent.

Such myths have become part of our culture in much the same way as folk tales and nursery rhymes have. It is through these myths that one may glimpse a "counter" or subculture, that of the homosexual population itself.

A Culture Within a Culture

When heterosexual people come into contact with homosexual people, their first reaction often has to do with their perceptions of the (homo)sexual act, including the belief that sexual activity should be associated with procreation only and other nonprocreative acts should be discouraged (Fairchild and Hayward, 1982; Moses and Hawkins, 1982).

Homosexuals themselves do not appear to view contact with heterosexuals in the same way. For them a declaration of their sexuality involves an assertion of who they are as well as a search for community and a sense of belonging (Altman, 1971). They are claiming a new cultural background.

The community that makes up this cultural background, however, is not easily identifiable. While there are some centers that may be labeled "gay areas," such as San Francisco's Castro district or the area around Oxford Street in Sydney, in most cases homosexuals are all but invisible. As a result, the "culture within cultures" that has developed is somewhat unique. "Because homosexuals have no common country or language to bind them, gay culture is especially important in creating a sense of community" (Cruikshank, 1992, pp. 118-119), "not of residence but of connection" (Moses and Hawkins, 1982, p. 70).

Most authors in this area point to one single event in June 1969 that now divides gay history between the early beginnings of a culture and the subsequent rapid development of a cohesive identity. A police raid on the Stonewall Inn on Christopher Street in New York led to "the Boston tea-party of the gay movement" (Weeks, 1977, p. 188), the first time that homosexuals had openly fought against the oppression that they had always felt. In the days after this event, the New York Gay Liberation Front was formed, the forerunner of similar groups that developed to help assert the rights of homosexual people (Altman, 1971). Accompanying this was a gradual realization that being homosexual was not just about choice of sexual partner but "a unique heritage and a unique point of view, an art, a literature, a life that was theirs and theirs alone, a usable past, a living present and, perhaps, a future free from fear" (Altman, 1982, p. 155).

It is this gradual realization that represents the major differences in homosexual cultural development prior to and after Stonewall. As Cruikshank (1992, p. 120) suggests, homosexual culture "depends on opposition to

homosexuality, which sharpens both the sense of difference and the need to band together.”

In the wake of Stonewall has developed a worldwide network of gay-related venues and services: bars, coffee houses, baths, specialty stores, restaurants, hotels, and bookstores (Cruikshank, 1992; Moses and Hawkins, 1982). A vibrant theater has emerged (Weeks, 1977). A gay press publishes literature, prose, magazines, and newspapers (Cruikshank, 1982; Weeks, 1977). Support groups with religious and professional affiliations have developed (Weeks, 1977), and counseling services, therapeutic groups, and AIDS support groups add to the picture.

In addition, gay pride activities assert a growing belief among members of the homosexual community that they are “just like everyone else” while emphasizing their special separateness (Altman, 1982; Cruikshank, 1992). These activities are gradually changing community attitudes toward homosexuality in Australia, especially events such as Sydney’s Gay and Lesbian Mardi Gras, an annual event that attracts television coverage at a national level.

A major difference between this and other cultures is the way in which individuals join it. It might be said that the majority of the population is born within a culture. They usually learn its rules from birth and immediately become embedded into the cultural norms. This is not true of the homosexual culture: individuals must make a conscious choice to enter it. A major part of that choice is the process of accepting that “I am different”—the process of “coming out.” For the homosexual this is never easy because it “makes the gay individual vulnerable to a multitude of complex harassments and heir to a host of adjustments, negotiations, compromises, and pains. The effects can be felt across the entire spectrum of an individual’s life, including his or her feelings about self, relationships with lovers, family, and friends, and interactions with others” (Moses and Hawkins, 1982, p. 54).

A common response to these effects is to fight against the attraction felt for people of the same gender, sometimes for many years. Indeed, “Some take the route of marrying and having children in what, in retrospect, they come to see as an attempt to convince themselves and others of their heterosexuality” (Moses and Hawkins, 1982, p. 83). The act of coming out is therefore an integral part of homosexual culture, a “rite of passage” (Herdt, 1992).

Coming out is a multifaceted process, involving “changing one’s self-concept, reinterpreting past events, and changing relations with others” (Cruikshank, 1992, pp. 118–119). Indeed, even when one has accepted that one may be gay, “It may take some time for women and men to feel good about themselves” (Fairchild and Hayward, 1979, p. 26). For many it remains a matter of living two lives: they choose to “follow the nongay model in public situations (with perhaps a few variations) and develop a second identity or set of behaviors for those situations when they are around other gays” (Moses and Hawkins, 1982, p. 55).

Coming out is both an intrapersonal and an interpersonal process, involv-

ing both a private and a public career path (Bozett, 1993). Intrapersonally, individuals must first come out to themselves: acknowledge their differentness and develop comfort with it. In doing this, they must confront the negative stereotypes with which they have become familiar. A long struggle may often occur, during which the emerging homosexual person feels highly stressed, may strongly deny their feelings, and may feel very alone (Altman, 1971; Moses and Hawkins, 1982). Having finally acknowledged oneself as a homosexual person, the next stage (intrapersonal) is to acknowledge it to others. This can often be risky: "After all, to come out means defying the most basic and deep-seated norms of a society that sees itself as based exclusively on the heterosexual family structure" (Altman, 1971, p. 27).

There are a number of possible reasons why a homosexual person will want to share her or his feelings with others. One is that our sexuality is intimately tied in with who we are: "It is an important and necessary part of that person's life" (Fairchild and Hayward, 1979, p. 28). Secondly, in keeping secret a fundamental truth about themselves, homosexual people can feel alienated from those for whom they care, thus creating a barrier between them (Fairchild and Hayward, 1979). Thirdly, there is sometimes a need for explanation about events in our lives, especially those associated with life-cycle stages such as a marital separation (Fairchild and Hayward, 1979).

Development of a Cultural "Clash"

It is at this point that further difficulties arise. In coming out to others, the homosexual person can enter into conflict that involves many misunderstandings and "invites" stereotyping and rejection from heterosexual people, including ex-spouses. Underlying these misunderstandings and rejections is a clash of cultural difference.

The difficulties lie both in overcoming stereotyping by heterosexuals and in breaking down the myths that operate as a result of that stereotyping. Attitudes developed through contact with the powerful legal, moral, and medical institutions in the predominantly heterosexual culture are reinforced through direct contact with a person from a subculture that is considered illegal, immoral, and an aberration.

Underlying these feelings and reactions is the move by the homosexual parent into a new lifestyle and cultural milieu, about which the heterosexual partner knows very little. The changes that occur for both people during this time represent a misunderstanding on a number of levels: emotionally (Gochros, 1989), psychologically (Fairchild and Hayward, 1979), practically (Hitchens, 1979-80), interpersonally (Altman, 1982), and culturally (Gochros, 1989). These misunderstandings give rise to homophobic reactions and moral issues, which result in communication difficulties between the people involved. One reaction for a heterosexual parent in this situation is to try to "protect" the children from the homosexual partner.

It is for these reasons that mediation is considered a positive alternative to the court system when one parent has declared him- or herself to be homosexual (McIntyre, 1994). Mediation provides a respectful environment in which the participants can explore their feelings and thoughts in a positive manner. More than other approaches, it has the potential to provide a forum for understanding and may validate the experiences of both parties with regard to the declaration of homosexuality and its meaning. The mediator's skills and attitudes therefore become crucial in achieving these goals for the participants.

The Mediator's Role

Recently a claim was made that lesbian and gay mediators are important in encouraging homosexual people to use mediation because they have an "intimate and textured understanding of lesbian and gay lives and cultures" (Gunning, 1995, p. 51). While this is not denied, there is also a place for heterosexual mediators in working with couples when one of the parties is gay or lesbian. Sometimes homosexual people will want to work with a heterosexual mediator, especially in smaller cities and towns where the gay and lesbian population know (or know of) each other or where there is a reasonable likelihood that they will meet in the community. Additionally, some heterosexual partners may not feel comfortable working with a mediator who is openly gay or lesbian.

When mediators agree to work with a couple in which one of the parties is gay or lesbian, they do need to be sensitive to the issues confronting them. Gunning (1995, p. 51) suggests that they should have the ability to "connect" with the homosexual community "in both professional and personal ways." An understanding of the needs of each parent to be a parent and have an active and positive relationship with the children is essential, as is a personal awareness of the mediator's own biases and homophobic feelings. Townley (1992) argues that mediators need to become knowledgeable about homosexual culture and about the process of "coming out," its impact on individuals, and the meanings ascribed to it by different strata of society.

One way of working with people of different cultures is to consider oneself as both a "tourist" and a "tour guide," whose job is to develop links between the members of each culture.

When, as tourists, we enter a new culture, we are often faced with new and exciting possibilities. We wander around wide-eyed and full of interest, alert to the sights and sounds that the culture offers us. Often, when accompanied by children or people who are inexperienced in travel, we may become tour guides, describing and interpreting for our companions what they are seeing in the culture we are visiting.

As mediators we are not very different from these roles of tourist and tour guide in a new culture. Acting as if we know little about the culture, we become "naive enquirers," developing insights and understanding for our-

selves. Then, having discovered the important beliefs and social mores, we are able to interpret these for our fellow travelers, operating as a window for the visitor to the culture.

Each of these roles has a specific purpose, requiring mediators to adopt definite attitudes and to use different skills to achieve measurable goals. When mediators act as "tourists," they must adopt the attitude of a respectful learner, discovering a culture with sensitivity and care. They must ensure that they develop clear understanding for themselves of the relevant cultural principles involved in the issues at hand. In working with a person from the gay or lesbian subcultures, the mediator must be aware when inquiries become intrusive and irrelevant. In discussing parenting issues, for example, the task for the mediator is to learn what is important for each parent and the children in the future; a person's sexual practices are therefore irrelevant.

The mediator must always remain aware of maintaining balance in her or his interactions with the participants. Both cultures are equally important. The attitude of the naive enquirer therefore means that the mediator will ask similar questions of both participants, never assuming that he or she knows more about one of the cultures by reason of belonging to it. The mediator must "get it right" for both cultures.

The skills of the tourist include asking questions that are open-ended, that gather information, clarify points and statements made, and test hypotheses. In highlighting cultural differences and similarities, mediators might ask, "In what ways will being homosexual change your lives?" or "What differences can you see that you might have to account for in the future?" Questions that focus on the children, such as, "What would you like to achieve for them?" or "What values will be important for the children as they grow?" are useful in strengthening the participants' agreement on parenting issues irrespective of change in sexuality.

Explanations should be sought for the participants' thoughts and belief patterns. When the heterosexual parent expresses concern over the children's possible exposure to inappropriate activity while visiting the homosexual parent, the mediator might ask, "What specific concerns do you have in this regard?" and "How might these concerns affect future contact with each of you?" As stated earlier, it is important to balance interventions. Mediators have a number of options in following up responses to issues such as those described here. One is to ask the homosexual parent what concerns he or she has that may be similar to those expressed by the heterosexual partner. Mediators can then proceed to ask how all of the stated concerns might be addressed for the future. Another option is to ask each parent what would need to happen for him or her to feel more comfortable about the concerns expressed, and how each might assist in addressing those concerns.

Challenges that confront myths and stereotypes will help to reduce their power, and frequent interventions to summarize and paraphrase will assist the mediator to develop a personal understanding of the participants' worlds and

to test for accuracy of that understanding. It is often useful to address stereotypes directly and sensitively by asking specific, relevant questions about the participants' culture, based on the mediator's experience. For example, when discussing the parents' respective responsibilities for their children's care, the mediator might say, "Some people might think that when you move into a homosexual lifestyle you change the way you relate to your children. What do you think about comments like that?" The participants' responses might then be summarized, with an emphasis on the positive aspects mentioned. A balancing question to the other parent might be, "It could be hard to continue to maintain your parenting style as a single parent. What are your thoughts about this?"

When the mediator becomes a "tour guide," the focus changes to develop between the participants an understanding of the cultural differences that may be operating within their system. By interpreting and normalizing the situation for each of them, the mediator can help the participants develop insights, both on a personal level and between each other. The mediator assists in this process by becoming an impartial observer and interpreter of the viewpoints of each of the participants.

"Tour guides" use the skills of normalizing in order to reinforce the similarities between the participants with regard to their hopes for their children and their philosophies of parenting. For example, the mediator might say in summarizing a discussion about children's activities, "So, you both appear to agree that adult activities, such as dinner with friends or visiting a nightclub, are as important as, and different from, the things you like to do with the children during the day. While your adult activities might differ, what you do when you are with the children is quite similar. Is that right?"

Tour guides challenge each participant on perceived clashes of culture. They highlight shared goals, beliefs, problems, fears, and issues. They explore each participant's world and assist the parties to develop deeper understandings between them. Needs of participants and children are analyzed with an emphasis on developing common ground on which to build.

In this respect, there are two areas that mediators may wish to explore when discussing children's issues with two parents, one of whom is gay. The first is in finding common ground with regard to the participants' parenting approaches; that becoming homosexual, for example, does not necessarily change a parent's approach to the task of bringing up children. The second area is in finding common ground in the participants' aspirations for their children's future. For example, homosexual parents do not necessarily hope that their children will grow to be homosexual. In developing understanding about these issues, the mediator can move to a point where both parents can see that the issues of major concern to them will remain joint issues rather than become questions of conflict.

The use of questions that focus on the participants' views of the future and their desired outcomes are important in achieving this aim. Mediators should

continue to ask the participants how their discussions are assisting them to move toward an agreed outcome (Melamed, 1994). Questions concerning participants' joint expectations for their children's future are useful as are those involving their views of parental responsibilities. Finally, it often seems helpful for the mediator to refer to the participants as "Mom" and "Dad" during the discussions, as this reference can have the effect of keeping them focused on their roles in relation to their children (J. M. Haynes, personal communication, Feb. 1996).

Hanscombe and Forster (1982) suggest that in discussing children's issues when one parent is homosexual it is advisable to consider the feelings of the children about their parents, their place of residence, each parent's nurturing and caring capacities, and the role that homosexual partners are willing to play in the children's lives. Discovering more about the children, their likes and dislikes, their activities, and their own aspirations for the future can lead to a consideration of their feelings and wishes and especially their needs with regard to contact with both parents. Often these issues are overlooked in the litigation arena (Falk, 1993), making mediation a more positive alternative when they are addressed.

Conclusion

A vibrant homosexual subculture has rapidly grown since the 1970s, which provides lesbians and gay males with positive support, understanding, and a sense of belonging. When parents declare themselves part of this subculture, there is a strong cultural clash, with the heterosexual partner building misunderstandings based on stereotypes and negative myths. The mediator's task is to take the participants on a journey into the culture of the other in an effort to develop understanding, break down stereotypes, and refute the myths themselves. In so doing, the participants can feel free to proceed toward an agreement that is rewarding for all involved and supportive of both the parents and their children.

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