



Sex, Preference, and Family: Essays on Law and Nature

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From Dan Quayle's attack on TV's Murphy Brown for giving birth out of wedlock, to the referendum recently passed in Colorado that forbid local communities from enacting non-discrimination laws for sexual orientation, the public furor over issues of same-sex marriages, gay rights, pornography, and single-parent families has erupted with a passion not seen since the 1960s. It is a battle being fought, in large part, over where to draw the line between law and nature, between the political and the personal, the social and the biological. And it is an important struggle to resolve, for as we move into the next century our culture is redefining itself in fundamental ways. How we decide these questions will determine much about the kind of society we and our children will live in.

Sex, Preference, and Family brings together seventeen eminent philosophers and legal scholars who offer illuminating and often provocative commentary on sexuality (including sexual behavior, sexual orientation, and the role of pornography in shaping sexuality), on the family (including both same-sex and single-parent families), and on the proper role of law in these areas. The essayists are all fiercely independent thinkers and offer the reader many thought-provoking proposals. Susan Moller Okin argues, for instance, that gender ought to be done away with--that differences in biological sex ought to have "no more social relevance than one's eye color or the length of one's toes"--and she urges that we look to same-sex couples as a model for households and families in a gender-free society. In a spirited critique of current obscenity laws, Catherine A. MacKinnon argues that, due to pornography, women are harassed at work, battered in their homes, disrespected in school, and endangered on the street, and that the supposed literary, artistic, political, or scientific merits of pornographic materials must be balanced against the equality of women, which these materials destroy. Cass Sunstein suggests that the Supreme Court case *Loving vs. Virginia* (which overthrew the ban on interracial marriages in Virginia) might be a precedent for overturning laws that bar same-sex marriage: just as *Loving* overturned miscegenation laws because they were at the service of white supremacy, Sunstein shows, the laws against same-sex marriages and homosexuality are at the service of male supremacy, and might also be overturned. Martha Minow demonstrates that the family is, in important respects, a legal artifact, shaped by laws and institutions, and that accepting this fact will promote a more informed public debate about the proper role of the law in shaping the family. And William Galston and Sara McLanahan both grapple with one of the most urgent problems we face in America today--the increasing prevalence of single-parent families and the mounting evidence that children in such families do badly in a number of ways. In addition to these and other insightful pieces, editors Estlund and Nussbaum have written special pieces which bring into focus each section of the book. And because each writer is aware of and often responding to the other contributors, the book as a whole assumes the character of a round-table discussion--lively, sometimes contentious, but always illuminating.

Of vital importance to anyone interested in sexuality, homosexuality, gender, feminism, and the family, *Sex, Preference, and the Family* both clarifies the current debate and points the way toward a less divisive future.

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