

IN MEMORY OF JESSE DUKEMINIER



This journal is named in memory of Jesse J. Dukeminier (1925–2003), who was a member of the UCLA School of Law faculty for forty years. The journal celebrates scholarly excellence in the field of sexual orientation, and Jesse Dukeminier was an excellent scholar and gay man. His own scholarly eminence is unquestioned, but he never wrote on topics centered on sexual orientation, nor was he what one would call an activist in the cause of gay rights. His field was property law, and in that field he was most certainly a star. His casebook (*Property*, coauthored with James E. Krier) is, in substance and in number of adoptions, by far the leading casebook in the field. The same can be said of his casebook, *Wills, Trusts, and Estates*, co-authored with Stanley M. Johansen. He was a nationally known authority on the Rule Against Perpetuities, and he contributed to the law’s development not only in his scholarship but in the legislative process. Surely, however, the explanation for dedicating this journal to him lies elsewhere.

Jesse Dukeminier was a beloved teacher, among a handful of UCLA law teachers in the last generation who were revered by their students. (In his case it is not excessive to say “revered.”) His sexual orientation was no secret; his union with David S. Sanders, a prominent psychiatrist, began around the time Jesse joined the UCLA Law faculty, and was well known to all. Long before it became widely understood that Coming Out was an important act of social and political construction, Jesse was Out, without ceremony—indeed, without raising the subject, unless someone else raised it first. He went about his life, in work and in recreation, as himself. Precisely because he was so admired, he contributed to the cause of equal citizenship by carrying on his day-to-day living under the assumption that his sexual orientation, although very much a part of his sense of self, was not especially noteworthy.

For others who self-identified as gay, lesbian, bisexual, etc., Jesse’s behavior could help to ease the way to their own public acknowledgement of their sexual orientation. Imagine that the year is 1973, and that you are one of Jesse’s students, a gay man or lesbian who has remained largely closeted. You may think, “If this highly admired man is Out, why should I not be?” And for those acquaintances who self-identified as straight, Jesse’s presence in their lives helped them to redefine the meanings they

attached to sexual orientation. Such a person might think, “If Jesse is gay, then the negative things I have heard about a gay orientation have to be false.” Jesse was not vain, but he was aware of his high standing among his students, his colleagues, and his friends. So, without ever getting on a soapbox, he was—knowingly—a walking advertisement for the proposition that equal treatment for every person, of any self-identified sexual orientation, is the proper social norm, the entitlement of all persons. The difference in public attitudes on this subject from 1973 to present day is remarkable and has made itself felt in legislation and in Supreme Court decisions. In a quiet-but-public way that was very much his own, Jesse Dukeminier was one local leader in that change.

When the generous donation that was to become the Williams Institute was offered to our school, Jesse Dukeminier was one of a group of faculty who participated in the Institute’s design. He continued in active support of the Institute until his death. The UCLA Law School community is honored to dedicate this journal to his memory.

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