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**CHALLENGES AND OPPORTUNITIES FACED BY EUROPEAN WELFARE  
STATES: THE CHANGING CONTEXT FOR CHILD WELFARE**

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## **What Is A Parent?**

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### ***Abstract***

The question is taken not from the European court but from the legal anthropology, where various ingenious family rules had always been studied. This provides us with the perspective on the European present reality where various heterodox patterns are encountered, even in country apparently very orthodox as predominantly Catholic Poland. Parental power had been conventionally for centuries considered as unitary in its scope and in its incumbements. In the patrilinear monogamous systems dominant in Europe the parental power was considered paternal power, though mitigated by the facts of maternal dependence and marital stability. This is inculcated in the Roman law, and following in the Canons Law, until summarised in the Code of Napoleon. Serial polygamy resulting first from mortality, later from divorce had been the internal force that led to the complication of the system. Second was heterogeneity of legal traditions of the new Europeans arriving from Indian subcontinent, West Indies, Africa, Far East, Near East, created. This had been dealt with by the re-introduction of the personal status law, though subject to the general limits of the European laws. Third, recent wave of influence is linked with the sexual revolution that started in the 1960s with invention of contraceptive pills that allowed sexual mobility and decidedly relaxed moral standards. Thus the state today through its agencies and the courts is facing the exuberant variety of family models, including the parental role, that leads to the reconsideration of the basic legal concept. It should be observed, however, that most of the changes are changes in perception and interpretation as polygamy, foster parenting, single parenting and homosexuality were part of the European family life through centuries. Here the traditional non-European legal systems remain the rich mine of the concepts and solutions.

First of the changes is the de-genderisation of parental role which is best illustrated by single parenting both in female and male editions. With stress always put on the mother, it is of no surprise that most of the people still find it difficult to accept the „mothering” by a male, but the acknowledged genitor in this role is met with the compassion and pity that – according to the research – tends to make him socially discriminated, though in an unusual way. With social expectations as to the male life-style still different from those addressed to the woman, males as single parents tend to get „excluded” or more „self-excluded” from the „normal” social life.

Extended family was the dominant pattern in the old Europe and seemed to obsolete towards the end of the industrial era. Its vestiges in the Eastern and Southern countries are considered to be symptoms of the backwardness. However, the issue comes to the open as

the demography of the Europe changes and more and more elderly people become the important part of the population as well as the number of the childless adults is on increase as well. Under the communist regime of scarcity of goods and services Polish society at least had developed the extended family networks that helped to survive and that include above all the obligations of mutual support that extend over the nuclear family to the further relatives and further generations. Such recreated extended family links tend to include also people who are in fact un-related but are „close friends” (see Fuszara & Kurczewski „From Family to Friendship” in Maclean ed. in print). The combined social resources had been helping the lonely people to survive and the people in the reproductive age to be employed in the same time.

These processes make for the further „de-parenting” of the parenthood. Rarely it is done by the assumption of the whole bundle of the parental activities by the non-parents. In our field research we encounter, however, such types as when a child is left with the grandparents by the parent(s) who move abroad for the work, as this happens within the context of unemployment present on the labour market.

The typical process, however, is in the dis-connecting of the parental rights and duties. Here the rich gallery of the real life situations might be presented. The retirement is a signal that more parental duties are to be taken by the retired Grandparent(s) who nurse the child. The childless relatives (here the ambiguous role of the Auntie needs to be considered). In Catholic cultures the Godparents assume also some material obligations on their part. Cross-gendering takes place also within this context as the performance of the traditionally „maternal” duties is eased due to the marketisation (ready food and pampers), while traditional „paternal” duties such as discipline and household subsistence are „de-gendered” through elimination of uni-centered power in family relations and growing gender equalisation on the labour market and business. The patterns elaborated under the scarcity of goods may prove to be functional under the conditions of scarcity of jobs and of the State as the „substitute parent”.

The two concomittant changes in the legal culture of European societies are recognition of:

- 1) institutionalisation of the non-gendered role of „parent” who needs not to be genetrix or genitor of the child;
- 2) pluralisation and extension of the parenthood duties into the network of support with division of work in time and/or in kind.