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**Policies and Caring Fathers in the Nordic Countries**

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Please note: Paper still in progress.

**INTRODUCTION**

An important characteristic of the Scandinavian welfare model is its emphasis on gender equality, both in the labour market and in the private sphere.<sup>1</sup> The first decades of the 20<sup>th</sup> century were marked by radical changes in Nordic family law. All the Nordic countries revised their marital law during this period. Marriage was changed to an institution of two equal individuals with mutual obligations to care for and to support each other and their children. While the law on marriage established equal obligations of fathers and mothers other laws continued to be based on the idea of the husband as a breadwinner. This remained the case for decades. Thus, the caring role of the father did not gain much attention from policy makers. This changed gradually and, from the 1970s and onwards, Nordic fathers have gained increased rights and obligations through different laws.

The paper emphasises how caring fathers in the Nordic countries have been supported through policies and how the policies have contributed to the social construction of fatherhood.<sup>2</sup>

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<sup>1</sup> In the welfare literature it is common to group the Nordic countries, Denmark, Finland, Norway and Sweden and label them as the *Scandinavian* or *Nordic welfare model* (e.g. Esping-Andersen 1993; 1999; Millar and Warman 1996; Sipilä 1997).

<sup>2</sup> Fatherhood is used here in accordance with the definition of Hobson and Morgan (2002:10): "If fathers are seen in rational terms to mothers and children as elements of social structure, fatherhood can be seen as the cultural coding of men as fathers. Here we are dealing the rights, duties, responsibilities and statuses that are attached to fathers, as well as the discursive terrain around good and bad fathers".

The modern Nordic family law's emphasis of children's rights to care from both parents is discussed and the paper asks to what extent this right is ensured through other laws, e.g. the law on parental leave. The Nordic countries have placed emphasis on strengthening the active role of fathers in caring and providing for their children regardless of whether they live with them or not (e.g. Björnberg and Dahlgren 2003; Skevik 2003a). Such policies have become stronger during the 1990s and as Ellingsæter (1999) points out in the case of Norway, policy makers have put political fatherhood on the agenda and "the caring father and the domestication of men is the new issue of the 1990s" (Ellingsæter in Skevik 2003b:3). The paper does not discuss parent's actual behaviour or division of labour, except when such information is relevant to policy changes.

The paper begins with a short section on theories and the literature on policies and fatherhood. This is followed, by a section that describes the Nordic co-operation in the field of family law and equality policies. Then the Nordic policies on fatherhood are analysed, both the family law emphasising the rights of divorced and gay fathers, and other social policies including policies on paternity leave. Finally, there is a short concluding chapter where the main characteristics of the Nordic policies of fatherhood are summarized and discussed.<sup>3</sup>

## **POLICIES AND FATHERHOOD**

Feminist scholars have criticized the absence of a gender perspective in comparative analysis and mainstream typologies of the welfare states (e.g. Björnberg 2004; Lewis 1993; Mósesdóttir 2001). Feminist scholarship was an important contribution to this field as it adopted a critical perspective and dealt "with women and social policy and underscored gender inequalities in the public provision of welfare" (Sainsbury 1996:1). Feminist scholars pointed out that welfare state research tended to be gender biased, in the sense that it was mainly addressing the social problems of men or of male workers while an analysis of welfare provisions for women and children was more or less absent from the field.

Feminist scholars were interested in investigating women's relationship to the (welfare) state (Koopman-Boyden 1990). There was a strong and powerful wave of feminist scholars emerging after the mid 1970s, which "brought into focus the importance of women's entrance into the labor market for both the family and society. It showed a gender-segregated labor market and it focused on the emergence of the post-industrial service society, in which women perform a major part of the service work [...] Feminist research called for attention to structures of power and oppression between the sexes operating on all levels of society, including of course the family" (Bak 1989:1). Furthermore, the feminist perspective also pays special

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attention to how policies address women, men and children differently (Björnberg and Kollind 1996).<sup>4</sup>

Family policy research has been more concerned with policies concerning motherhood than fatherhood (e.g. Bradshaw *et al.* 1999; Hobson and Morgan 2002). The welfare literature, including the feminist literature, has provided a rather clear picture on how family policies have addressed men's roles as husbands and breadwinners; but at the same time there has been relatively little attention paid to policies on their role as caregivers and fathers. Hobson and Morgan (2002:4) state that: "Because men were center state in mainstream comparative research- as the average worker or citizen with or without social rights – feminist researchers did not see men, masculinities and fatherhood as part of the gendering project. Rather men in mainstream welfare state research were viewed as gender-neutral citizens who happened to be men." Furthermore, as Björnberg (1995:27) points out: "The discourse on male family orientation is often made in a feminist voice. Men's orientation to the family is described in terms of shortcomings in their involvement and presence in the family, i.e. the absent father, the passive father, the professional father". Lewis (2002) points out that in the case of the UK the fathers were absent from both policy-making and academic discourse until the late 1980s when their absence and failure to provide support caught the attention of the policy makers. Kullberg (2003:228) emphasises that while the research tends to regard women's actions as unproblematic, actions carried out by men are regarded as problematic. He points out that women's lack of orientation in the labour market has been regarded unproblematic. What has been problematized is that men do not participate more in household work and other routines.

However, despite the growth in the research on masculinity and fatherhood (e.g. Evro and Johansson 2002) the body of welfare literature that has examined how the welfare state has contributed to the shaping of fatherhood has been limited (Hobson 2002; Oláh, Bernhardt and Goldscheider 2002). Bergman and Hobson (2002:93) come to the conclusion that "the Swedish welfare state has had one of the most regulatory and highly interventionist policies toward men as fathers". Keeping in mind the extensive Nordic co-operation on family law and equality policies it seems relevant to ask how the Nordic countries have addressed fathers and fatherhood in their family policies.

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<sup>4</sup> It was not until the 1990s that public policy scholars turned their attention towards children. "In general comparative public policy literature, one searches in vain for policy on children and childhood", Therborn wrote in 1993 (242). During the 1990s there has been a considerable growth in the field of childhood sociology. This growth has also had an effect on the field of policy research (e.g. Ridge 2002; Satka and Eydal 2004; Skevik 2003c; Thomas 2000).

## NORDIC COOPERATION ON FAMILY LAW AND EQUALITY POLICIES

The first decades of the 20<sup>th</sup> century were a period marked by radical changes in modern family law. The literature has emphasized the importance of the change of marriage from an institution where the husband ruled over his wife to an institution of two equal individuals with mutual obligations to support each other. Similarly, it was also an important milestone when non-fault divorce became legally possible. The Nordic nations were forerunners in this respect and reformed their marriage legislation during the period from early 1910 to the late 1920s (Bradley 1996; Melby *et al.* 1999). In 1909 family law committees were appointed in Denmark, Norway and Sweden. Their role was to revise the laws on marriage and they produced proposals for revision in their respective countries (Snævarr 1983b). Iceland and Finland joined later (Bradley 1996). The reformed legislation “declared an explicit basic equality between husband and wife, father and mother, provided for no-fault divorce (after a procedure of separation) and established the principle of the best interests of the child as the main criterion for deciding issues of custody” (Therborn 1993:258). The Nordic law in respect of children was also changed during the first decades of the 20<sup>th</sup> century and these changes were an important milestones and indicators of society’s attitude towards non-marital children. The revised law provided children born out of wedlock with the rights to inheritance from their father (Therborn 1993).

This legal development was a result of the changed status of women and Snævarr points out that the “women’s movement in the Nordic countries had a great influence on this development [...] It is obvious that the Nordic marital law was created under the influence from the development of rights in other areas in legislation and because of the changing social values and employment status of women in society. The purpose was to create equality, although it was not implemented in every circumstance” (Snævarr 1983b:11). However, despite the legal acceptance of equality within marriage, other Nordic laws continued to be based on the idea of the husband as a breadwinner for decades. Erlendsdóttir has pointed out that the new marital law from the 1920s was ahead of its time and that since very few women were gainfully employed the law did not constitute as great change at that time as might be assumed (Erlendsdóttir 2000). Similarly the marital law did not change the status of fathers as carers since their role as breadwinner was dominant.

The formal cooperation of the Nordic countries in the field of family law continued and in 1962 the Nordic countries signed the Helsinki agreement the goal of which was to harmonize the Nordic family laws as much as possible. In order to achieve this goal the Nordic countries exchange information and cooperate on developments in family law (Ludvigsen 2005). One recent example of such co-operation was the request of the Nordic Council of Ministers to experts in family law to examine the possibilities of better harmonisation of Nordic Family Law (Syversen 2002). Despite this extensive co-operation in recent time, the level of co-ordination is not comparable to what it was, e.g. when the marital law was revised in the 1920 by family law committees that were in close formal cooperation. To day the Nordic countries make their own

law, but still co-operate and exchange information and experiences (Danielsen 2005). One of the main characteristics of the Nordic family law has been a growing concern for the right of children to care of both parents, regardless of the parental relationship. Thus while the Nordic family law has emphasised equal duties of both parents regarding care and provision for their children ever since the early 20<sup>th</sup> century, these obligations have been strengthened through changes in family law, as will be discussed further in later sections on custody and access. While the family law is written in a gender-neutral style these changes have in most cases been aimed at further strengthening the care role of fathers.

The Nordic countries have also had extensive co-operation in the field of equality policies. The Nordic Council (*Norðurlandaráð*) was established in 1952 on a Danish initiative. It is a forum for inter-parliamentary co-operation of the five Nordic parliaments. The “Nordic council is a consultative and advisory body. It issues recommendations and statements of opinion which may be addressed to the Nordic Council of Ministers or one or more of the national governments” (Arter 1999:7). The ministers of gender equality in respective Nordic countries have participated in the Council of Gender Equality (*Ministerradet for ligestilling*) since 1987 (Hole 2006). In its program for Nordic-Equality Co-operation 2001-2005, the focus was on women and violence (*kvinnofrid*), on one hand, and on men and equality, on the other. However the care role of fathers is not discussed in particular but one of the goals was to make joint campaigns to encourage men to use their entitlements to paternity and parental leaves (*Nordisk likestillningssamarbeide 2001-2005*). However policies regarding fatherhood are not emphasized as such in the program for 2006-2010. The importance of reconciliation of work and care for both parents is discussed and the new paternity leave schemes are mentioned, but the main themes of the program are *Gender and power* and *Gender and youth* (*Með áherslu á kynferði er stafnt að jafnréttissamfélagi* 2006).

The development of the gender equality policies has been divided into three main stages. The first stage is when formal equal rights of men and women are established. The second stage is characterised by women gaining access to areas like the labour market and the public sphere. The third stage represents the “full integration of women and men at all levels of the labour market and in the private sphere, i.e., women and men sharing both economic and care responsibilities of the family” (Kjeldstad 2001:79). Furthermore, the third stage may be seen as a phase dominated by an effort to reconstruct gender and gender relations.

## CUSTODY OF CHILDREN IN NORDIC COUNTRIES

When a child is born in wedlock the custody is given to both parents in all the Nordic countries.<sup>5</sup> In the case of Iceland (from 1981) this applies also for children born to (different-

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<sup>5</sup> Previously the husband had sole custody but this was gradually changed e.g. in Iceland married parents have had joint custody since 1917 (*Lögræðislög* nr. 60/1917; Snævarr 1983a).

sex) parents in registered cohabitation (Alpt. 2005-2006, 132. lögb. A: 294). When a child is born out of wedlock the custody rests solely with the mother.<sup>6</sup> The idea of joint legal custody from birth, regardless of the relationship of the parents, has been discussed but not enacted into law (e.g. Bergman and Hobson 2002; Wehner and Abrahamson 2003).

The regulation of custody in cases of divorces has undergone some important changes since the 1970s. Before these changes it was only possible to give one parent the custody after divorce. The Nordic law in respect of children from the 1920s emphasised that the children’s best interests should be the decisive factor when decisions of custody were made (Therborn 1993). While the law was gender neutral in nature it was highly unusual for fathers to hold custody of their children after divorce. For example, during the period from 1961-1968 fathers in Iceland held custody of their children in 6,4% of cases Snævarr (1982:215). Bergman and Hobson (2002) came to the conclusion that until 1977, in the case of Sweden, divorced men were only granted custody when it could be proven that the mother was unsuitable parent. Interestingly they point out that “There was no legal principle favouring the mother in custody cases, but it was considered “natural” that children remain with their mother” (Bergman and Hobson 2002:100). Thus the changes that took place from the 1970s and onward regarding joint custody and increased emphasis on access of the non-resident/biological parent was of major importance for fathers. The emphasis of policy makers was on the right of the child to care from both parents regardless of how the relationship between the parents developed (Bergman and Hobson 2002; Björnberg and Dahlgren 2003; Forssén *et al.* 2003). While this has been the guiding principle, organizations and groups emphasising the rights of fathers have also been active in promoting joint custody as a rule (e.g. Bergman and Hobson 2002, Pálsdóttir *et al.* 2005).

All the Nordic countries have incorporated joint custody in their legislation, but at different points in time and in quite different ways.

**Table 1** Nordic countries: The timing of the first legislation on joint custody

	Denmark	Finland	Iceland	Norway	Sweden
First law on joint custody	1985	1983	1992	1981	1976

(Sources: Bergman and Hobson 2002; Júlíusdóttir and Sigurðardóttir 2000)

All the Nordic countries, with the exception of Iceland, have legalised joint custody as the main rule after divorce (Danielsen 2005). A governmental bill has been introduced in the

<sup>6</sup> The paper does not discuss the legislation concerning rules on how to establish paternity. The Nordic countries have for most part similar rules, emphasising the right of a child to two parents, but still there are some differences. Denmark does emphasis social fatherhood to more extent than e.g. Norway. In Denmark the pater-est rule applies to children born to two parents in marriage and cohabitation and cant be contested (Wehner and Abrahamson 2003; Lodrup 2005). In Norway the Children’s Act has been changed in order to make it possible for fathers to demand a paternity test, regardless of if the child was born to married or cohabiting parents, thus the emphasising the importance of the biological father (Skevik 2003b). Needless to say the argumentation for both countries legislation is the best interests of children. Thus there are quite big differences in the Nordic legislation on the issue of paternity (Estrup 2005).

Althingi (spring 2006) on such changes to the Icelandic law (Alþingistíðindi 2005-2006, 132. löggj. A:294).

The rules on how to proceed if the parents are not in agreement differ somewhat between countries. In Iceland and Denmark the parents need to be in an agreement and if there are disputes among the parents the authorities can not rule on joint custody (Bjorgvinsson 1997; Nielsen 1997). Thus if an agreement cannot be reached among the parents joint custody is not an option. The remaining countries take a different stand on this point. In the case of Finland, Norway and Sweden the courts can rule on joint custody despite disagreements between parents. (This has been possible in Norway since 1981, in Finland since 1983 and in Sweden since 1998 (Lodrup *et al.* 2003)).<sup>7</sup> According to Björnberg and Dahlgren (2003) the main argument for giving the authorities the right to rule for joint custody when parents were not in an agreement was to prevent one parent from being able to exclude the other parent from custody. The authorities can also rule on the residence and access when the parents are sentenced to joint custody (Danielsen 2005). It should be emphasised that the countries that do force parents to share custody despite their disagreements have developed extensive social services regarding custody and access disputes. E.g. Sweden developed, from 1991 and onward, social services on the municipal level for parents in order to promote co-operative solutions (Saldeen 1997). Thus, the countries take somewhat different stands on how far it is possible to go to ensure custody of two parents. As pointed out above, demanding an agreement among the parents invites the possibility that one parent can exclude the other parent from the custody. Thus, Finland, Norway and Sweden do better than Denmark and Iceland at ensuring the rights of both parents to be considered as custodial parents.

## **ACCESS OF NON RESIDENTIAL PARENTS**

Mothers have been in clear majority when it comes to one parent custody and even after joint custody became the main rule, in majority of cases the children live with their mothers (e.g. Júlíusdóttir *et al.* 2005; Ottosen 2006). Thus the issue of access or rights of the child to meet the non-residential parent has been regarded as an important part of policies that define fatherhood. As the following table on families with children by type shows, majority of lone parent families are families of lone mothers.

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<sup>7</sup> However there are ongoing debates (spring 2006) in both Denmark and Sweden on the issue- in the case of Denmark if the courts should be given such authority and in Sweden if it should be restricted (Alþt. 2005-2006, 132. löggj. þskj. 294).

**Table 2** Nordic countries; Lone parent families with children as % of all families, and lone parent families by gender, 2003.

	Denmark	Finland	Iceland	Norway	Sweden
% of families with children	20	20	27	20	24
0-17 years whom are lone parents					
% of whom are lone fathers	14	13	8	14	21
% of whom are lone mothers	86	87	92	86	79

(Source: Social Security in the Nordic Countries 2003).

The policy development on the issue of access has been quite clear in the Nordic countries. In the first decades of the 20<sup>th</sup> century the Scandinavian family law committees voted against legal rights to access since they believed that it was in the child's best interests that one parent had full custody on all matters and it should be up to the custodial parent to make decisions about the access of the other parent. However, as early as 1915 the Swedish marital law took another direction, and it was legalized that in cases of divorce the non-custodial parent should have rights to access to the child, except in special circumstances. After 1949 such rules also applied to Swedish children born out of wedlock. In Denmark access rights of divorced parents were enacted into law in 1922 and for children born out of wedlock in 1969. In Norway such rules were legalised in the Act in Respect of Children in 1956, regardless of the nature of the parental relationship, and in 1969 it was emphasised that the child has rights to care from both parents. In the case of Finland there was no law on access rights of divorced parents (before 1983) but parents of children born out of wedlock did hold such rights (Snævarr 1983a). Iceland was the last country to legalise such rights in 1972 for divorced parents and 1981 for other parents (Eydal 2005a). According to Snævarr Icelandic children had a close relationship with the non-custodial parent and therefore the legal rule was not as relevant in the case of Iceland as it was elsewhere (Snævarr 1983a).

During the last decades of the 20<sup>th</sup> century the Nordic countries have emphasised the importance of the child having access to both parents and their care (Lodrup *et al.* 2003). Thus, the increase in joint custody has not made these arrangements less important since only a minority of children spend the same amount of time with both parents. In all the Nordic countries parents can decide that the children are to live with both parents (shared physical/residential custody) and studies show e.g. that about 18% of Swedish children live under such arrangements (*op. cit.*)<sup>8</sup> However it is not possible to provide Nordic Statistics about the time that children spend with their parents due to a lack of comparable statistics about how parents arrange the daily care of their children between them (e.g. Bergman and Hobson 2002; Júlíusdóttir and Sigurðardóttir 2000).

The latest policy arrangements, made to further ensure the possibilities of both parents to care for the child, are changes in policies regarding the maintenance duties of the non-

<sup>8</sup> In Denmark "deleordning", in Norway "delt bosted" and in Sweden "vekselvis boende" (Danielsen 2005).

residential parent. Thus, both Sweden and Norway have reorganized their systems of child support in order to emphasize that “fathers should not be socially excluded from families because of high child support payments” (Bergman and Hobson 2002:119). One effect of this policy is that maintenance payments of a parent can be reduced on account of visitation with the child (Björnberg and Dahlgren 2003).<sup>9</sup> A new Norwegian system was implemented in 2003. The main principle is to place the child's best interests at the centre by taking both parents' earnings and caring responsibilities into account when calculating maintenance payments (Skevik 2003b). According to Skevik (2003b) the explicit policy goals of the Norwegian lawmakers was to encourage continued involvement from fathers. She quotes a Norwegian Member of Parliament, Jon Olav Alstad, that stated that this policy was a departure from the traditional male breadwinner concept of responsible fatherhood, whose main task was to put food on the table, towards encouraging both parents to have extensive contact with their child. Furthermore, Skevik (2003b:15) explains: “It was suggested in the parliamentary debate that the efforts to promote the gender neutral family had hitherto been somewhat one-sided: that the feminist claim for ‘gender equality’ had in fact been a rallying cry for women’s interests rather than a genuine call for equality. Women had demanded equality in most arenas, while still clinging to their privileges in relation to children. Now was the time to rectify some of the injustice men experienced. Father, should have as big a place in children’s lives as mothers, in the best interest of themselves, the mothers and – most importantly- the children”. When some MPs in *Stortinget* raised questions about the effectiveness of the system in relations to the provision of children and poverty, the Minister for Children and Family Affairs stated that the purpose of this policy was not to end poverty in Norway and emphasised that the goal of the new rules was to create opportunities for parents to maintain contact with their children (*op. cit*).

## **RIGHTS OF GAY FATHERS**

An important feature of the development of Nordic family law is the increase in legal rights for same sex couples and their families. All the Nordic countries have provided same sex couples with legal rights to enter a relationship with the same legal status as marriage in most respects. However the original law did not address parenthood and parental rights of same sex couples, but such rights have gradually been expanded (Waldijk 2005). Hearn (2002:264) points out that despite these significant legal advances “the situation of lesbian and gay parents, and thus gay fathers, remains problematic and with few civil rights in many countries”.

In 1996 Iceland enacted into law the right of homosexual stepparent in registered partnership to adopt a child of his/her spouse (Stefánsson and Eydal 2004). In 1999 Denmark provide homosexual parents with rights to adopt the biological child of the other parent (Wehner and Abrahamson 2003). Similarly in Finland such rights were enacted into law in 2003

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<sup>9</sup> Similar rules regarding the time spent with the child also applies in Denmark (Wehner and Abrahamson 2003).

(Forssén *et al.* 2003). In Norway gay couples gained legal rights to adopt each other's child in 2002 (Skevik 2003a). But as Skevik (2003a) points out "In theory a gay person could adopt a child as single and later bring this child into partnership." This argument has been advanced in debates in all the Nordic countries.<sup>10</sup> In 2003 Sweden became the first country in the world to provide gay couples with rights to adopt together and now other Nordic countries are considering taking similar steps (Björnberg and Dahlgren 2003). Such a bill has already been introduced in Iceland (autumn 2005).

## NORDIC SOCIAL POLICIES AND FATHERS

Originally the Nordic welfare states provided entitlements in line with the male breadwinner model, but gradually moved towards the individual model in most respects (Sainsbury 1996; Millar and Warman 1996). All the Nordic countries developed schemes of family support and it was considered to be the role of the welfare systems to ensure that all children enjoyed a minimum standard of living, regardless of their parents' status. Thus systems of family benefits, housing support and benefit schemes for lone mothers were established in addition to the older schemes of social assistance (e.g. Eydal 2005a; Millar and Warman 1996).

In the case of lone parents (single, divorced and widows/widowers) the Nordic welfare state developed special support schemes (e.g. Skevik 2001).<sup>11</sup> Originally these schemes were intended to support lone mothers but these gradually became available to lone fathers as well. An examination of the time lag in entitlements to lone mothers and fathers provides an insight into the extent to which the policies took caring fathers into account. It mirrors the different expectations of society towards the role of lone mothers and fathers. The dual earner/caring role of the lone mother was for most parts taken for granted. The fact that entitlements for lone fathers were introduced later reflects how the father was primarily regarded as a provider for his children. Thus his role as a caretaker was recognised much later than his obligation to provide. An example of such time lag from Sweden is that in 1938 lone mothers became entitled to state guaranteed payment for child support but lone fathers did not have legal rights to such payments until 1956 (Bergman and Hobson 2002).

The time gap seems to have been biggest in the cases of widows and widowers but gradually such schemes were also changed in accordance with the individual model and became benefits for survivors (Björnberg *et al.* 1996; Millar *et al.* 1996; Sainsbury 1996). An example of this development is the case of Iceland. In 1946 widows with children gained certain entitlements to social security but widowers with children had to wait until the 1970s to gain the same rights (Eydal 2005a).

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<sup>10</sup> All the Nordic countries do allow individuals to apply for adoption (Björnberg and Dahlgren 2003, Forssén *et al.* 2003, Eydal and Ólafsson 2003, Skevik 2003a, Wehner and Abrahamson 2003).

<sup>11</sup> The concept of *lone mother* or *lone father* is used here as a synonym for parents who have never married, who are divorced/separated or are widows/widowers (e.g. Bradshaw 1996; Skevik 2001).

Thus, the family support schemes were gradually made gender neutral, providing same rights and entitlements to mothers and fathers.

## **FATHERS RIGHTS TO PARENTAL - AND PATERNITY LEAVE**

During the 1970s and 1980s, the campaign for gender-equality called for women's active participation in the labour market and all the Nordic countries adopted a new set of policies to promote gender equality (*Kvinnor och män i Norden* 1988). These included offering a wider range of day-care services and paid parental leaves. The importance of providing equal opportunities for men and women was an argument for developing public care policies. In the Nordic countries the arguments for state intervention and aid have been twofold: (1) that it is necessary to support the family to ensure the best interest of the child, and (2) that it is necessary to ensure that mothers have (equal) opportunities to participate in the labour market as well as in social reproduction (e.g. Leira 1987; Rostgard and Fridberg 1998). All measures of public care support are important for both parents, but the scheme of paid parental and later paternity leaves are believed to be of biggest importance for fathers and their role as carers.

The Nordic countries, with the exception of Iceland, developed quite extensive schemes of parental leave during the immediate post war period and according to Gauthier (1996) they emerged as leaders among the OECD countries in this regard. In the late 1970s and early 1980s all the Nordic countries expanded their parental-leave policy and the entitlements of fathers to parental leave gained some acceptance both in the public and private spheres. According to Leira (1999), the legal acknowledgement of the role of fathers as caregivers is a significant milestone in the development of care policies because it signals that public authorities consider the obligation of both parents to take care of their children more important than the demands of the workplace. This legal acknowledgement also represents an attempt to reconstruct gender relations, an effort which has been associated with the third stage of the development of gender equality.

Sweden is the forerunner in developing schemes of parental leaves. In 1974 the scheme was revised and all parents became entitled to a total of six months leave and the wage replacement percentage rose to 90%. Parents could decide if and how they divided the leave period between them. Parents could choose when they used their rights to a paid parental leave up until the child was eight years old (Björnberg *et al.* 1995). Since 1974 the length of the Swedish parental leave has been expanded several times. In 1989 the period was extended to 12 months. The income replacement has been from 90-75% of previous salaries. In 1989, three months were also added with flat rate benefits, which non-working parents were entitled to throughout the length of a leave. There is also the possibility of applying for temporary parental leave, which is utilised in cases of unexpected circumstances, e.g., a child's long-term illness. Under this exception,

parents are entitled to 60 days per year, and in some cases, up to 120 days (Rostgaard *et al.* 1998).

In Norway the maternity leave was expanded to 12 weeks, and in 1977, it was expanded to 18 weeks and then fathers gained rights to two weeks paternity leave, which they could use in immediately after the birth. During the 1980s, the entitlements were further extended and in 1987 a parental leave of 33 weeks was enacted (Rostgaard *et al.* 1998). Finland expanded the scheme of paid maternity leave to 174 days and in 1978, the fathers gained rights to 2 weeks of leave in connection to the birth, but in 1991 they gained individual right to 3 weeks paternity leave (Rauhala 1998). In 1980, upon the consent of the mothers, fathers obtained the right to use 24 days of the maternity leave. Gradually the number of days increased and in 1999, the maternity leave was 17,5 weeks, of which 5 weeks is taken prior to the birth. The total amount of parental leave was 44 weeks (Salmi and Lammi-Taskula 1999).

Denmark's first scheme giving entitlements to fathers was established in 1984. The statutory leave entitlements became 26 weeks; 14 weeks of maternity leave, two weeks paternity leave in connection with the birth and 10 weeks of shared parental leave (Rostgaard *et al.* 1998). Iceland was the last Nordic country to develop universal scheme of paid parental leave but such law was enacted in 1980. This law opened up the possibility of fathers taking a parental leave. After 30 days had passed from birth the mother was free to transfer her entitlements to the father for the amount of time he took a leave from work (Eydal 2000). In 1987, the leave was extended to 6 months.

As following table sums up the Nordic countries all introduced parental leave (leave that the parents could decide how they would use) and all except Iceland introduced 2 weeks paternity leave that fathers could use in connection to birth in the period 1974-1987.<sup>12</sup>

**Table 3** Nordic countries 1974-1987: Timing of the first law that provide fathers with rights to paid parental leave and special 2 week paternity leave in connection with birth.

	Denmark	Finland	Iceland	Norway	Sweden
Parental leave	1984	1980	1981	1987	1974
Number of weeks	28	6	8	33	24
Paternity leave	1984	1978	None	1977	1980

(Sources: See text above)

Statistics show that despite the opportunity to share parental leave the participation ratio of fathers was very low in most cases, even in the case of Sweden that had the longest history of encouraging fathers to share the parental leave with mothers (e.g. Bergman and Hobson 2002; Leira 1999). Such disappointing results and a growing recognition of the important role of fathers as caregivers gave rise to attempts to implement new policies meant to encourage increased parental choice and a more active role of fathers when it comes to providing care (Björnberg *et al.* 1996; Moss and Deven 1999).

<sup>12</sup> In 1998, fathers were ensured through legislation the rights to two weeks paid paternity leave (Eydal 2005).

During the 1990s all the Nordic countries established or increased the independent entitlements of fathers to paternity leaves in order to encourage fathers to take advantage of such leaves. According to Leira, the “introduction of a daddy quota in the parental leave scheme shows an interesting development in political thinking concerning the relationship between parents, children and the state. Instituting a right of fathers to care for their children signals a new approach to fatherhood and gender equality: a state intervention in employment via the general work environment legislation to promote the carer-giver role of fatherhood. Reserving part of the leave for the father represents an effort to influence the division of labour at home and to change the gender balance of caring responsibilities” (Leira 1999:275).

Norway was the first Nordic country to establish a “use or lose”, paid one month paternity leave, sometimes referred to as “daddy month” in 1993. An obligatory three weeks before parturition and six weeks after are reserved for the mother (Brandth and Kvande 2003). Finland has also increased individual entitlements of fathers to paid paternity leave and in 1993 it was expanded to three weeks. Furthermore, a so-called bonus leave for fathers was introduced in 2003. This means that a father, who uses at least the two weeks of the parental leave period, get two extra weeks of paid leave (Haatja 2004). The paternity leave is divided into 18 weekdays to be taken during the maternity and parental leave period and in an extended period of 12 weekdays in continuations of the parental leave (*Ministry of Social Affairs and Health* 2004).

In Sweden fathers gained in 1996 independent rights to a “daddy month” of parental leave with 90% wage compensation (Rostgaard *et al.* 1998). Furthermore from 1st of January 2002, Swedish parents are entitled to 480 days of paid parental leave. Each parent is allocated 60 days on a quota basis. Parents can share the remaining 360 days. The compensation level is 80 per cent of the previous salary (up to a standard ceiling) for one year after the birth of the child. For a further 90 days, those parents who continue to stay off work can receive a so-called guaranteed amount of SEK 60 per day. Parents with no previous income receive the guaranteed amount for all the 480 days (Björnberg and Dahlgren 2003). Thus from 2003 Swedish fathers are entitled to two months of individual rights to paid paternity leave. The need for an increase in individual rights of fathers and mother has been discussed and the idea of divide the leave up into three equal parts is gaining support (e.g. Hultman 2004).

Iceland, which has for most parts been a laggard in ensuring parents rights to paid parental leave enacted a radical piece of law the *Act on maternity/paternity and parental leave* in 2000 ensuring both parents the same individual entitlements to paid maternity and paternity leave. The stated aim of the legislation was twofold: “To ensure that children enjoy the care of both parents. The second aim of the law is to enable both women and men to co-ordinate family life and work outside the home” (*Lög um fæðingar- og foreldraorlof nr. 95/2000*). The first aim is meant to ensure children’s welfare whereas the second aim is meant to promote gender equality and remove gender based obstacles for women in the labour market. In the bill reference is made to the Icelandic legislation on gender equality, which has the same goal.

In order to ensure these goals are reached, each parent will, “have an independent right to maternity/paternity leave of up to three months due to: a birth, primary adoption or the permanent fostering of a child. This right shall not be assignable. In addition, parents shall have a joint right to three additional months, which may either be taken entirely by one of the parents or else divided between them. The right to maternity/paternity leave shall lapse when the child reaches the age of 18 months [...] A woman shall take maternity leave for no less than the first two weeks after the birth of her child [...] A non-custodial parent shall have the right to maternity/paternity leave providing the custodial parent has agreed that the non-custodial parent is to have access to the child during the period of the maternity/paternity leave” (*Lög um fæðingar- og foreldraorlof nr. 95/2000, 8. gr.*). While on leave parents are entitled to a monthly payment, which equals 80% of their average incomes for the previous two year. In 2004 changes were made in the laws, which put a ceiling on the amount of money received when on a parental leave. The law came into force in 2001 but the rights of fathers have been gradually implemented, fathers had the right to a one-month paternity leave in 2001, two months in 2002 and in 2003 they gained full entitlements to three months. According to the law, parents are also entitled to 26 weeks parental leave without payment, 13 weeks are entitled to the mother and 13 weeks are entitled to the fathers (op cit.).

Denmark has taken quite a different path. In 1999, a proposal, (already introduced in the Danish Parliament in 1984), was passed. It allowed for two weeks of independent paternity leave that had to be taken after utilising 10 weeks of the parental leave (Rostgaard *et al.* 1999). Despite proposals from the Social Democrats and the Centre Party to extend the quota for fathers, the Liberal/Conservative government that came into office in 2002 had a different policy. The new government “...consolidated the tradition of open, negotiable leave schemes where the mother and father themselves decided who shall take leave: the maternity/parental birth leave was extended to 52 weeks of which 32 weeks could be shared between the mother and father and all plans of introducing the fathers quota were abolished” (Rostgaard 2002:6). Thus, the mother is entitled to 4 weeks before birth, 14 weeks of maternity leave after the birth of the child and the father is entitled to two weeks paternity leave within the same period (Wehner *et al.* 2003). ”This new scheme allows both parents, whether employed or unemployed to take a leave for a period of up to 52 weeks for each child aged less than 9 years” (Pylkkanen *et al.* 2003).

**Table 4** Nordic countries: Number of weeks of parental leave and paid care leave, 2003

	Iceland	Denmark	Finland	Norway	Sweden
Maximum number of weeks in which maternity/ paternity /parental leave benefits are payable	39	50-64	44	42-52	69
-Of which (weeks):					
- Only mother	13	18	18	9	8
- Only father	13	None	2 (if 2 of the 3 weeks of leave with mother are used)	4	8
-Additionally: father together with mother	None	2	3	2	2

Source: Social Security in the Nordic countries 2003

Obviously this overview does not provide the full picture of care policies since neither day care nor other leave schemes are discussed here.<sup>13</sup> However it is clear that the Nordic countries have taken quite different paths regarding fathers' entitlements to paid paternity leaves and furthermore that the Nordic fathers are first and foremost using their "own" entitlements and that joint rights are first and foremost used by mothers. Thus, with the exception of Denmark, there has been an increase in the take up ratios of fathers as the following table shows.

**Table 5** Nordic countries: Percentage of total number of benefit days used by fathers in the event of pregnancy, childbirth and adoption during the year, 2000-2003.

	Denmark	Finland	Iceland	Norway	Sweden
2000	5,5	4,1	3,3	7,2	13,7
2001	5,7	4,3	11,5	8,3	15,0
2002	5,5	4,8	19,6	8,6	16,6
2003	5,1	5,3	27,6	8,6	18,3

Source: Social Security in the Nordic Countries 2003

Thus, the policies in all the Nordic countries have aimed at increasing fathers' usage and rights to a paid paternity leave. But these aims have been fulfilled in different ways and with different results. Sweden and Iceland which, have emphasised equal individual rights of fathers and mothers, have experienced an increase while Denmark is experiencing a stagnation and Finland and Norway a very slow increase. The table shows clearly how the individual entitlements influence the fathers take up ratios, e.g. in Iceland in 2003, which is the first year that the father became entitled to 3 months paternity leave, the fathers are using one fourth of the total amount of days.

How these different policies on the care role of fathers will influence father's roles as carers and labour market position of mothers in the long run is difficult to predict with any accuracy. What is clear from the existing research in the case of Norway and Sweden is that different

<sup>13</sup> See e.g. Eydal 2005b for holistic analysis of care policies of the Nordic countries.

groups of fathers make different use of their entitlements to parental leave (Brandth and Kvande 2003; Duvander 2000; Duvander and Sundström 2000). We have no reason to expect this to be different in Iceland.

This paper does not discuss possible hindrances that fathers meet in their families nor their work places. However it is of vital importance when exploring the social construction of fatherhood and father's possibilities to care for their children to add labour market policies to the list of the relevant policies. Despite the growing emphasis on family friendly workplaces it seems as if mothers first and foremost use such measures. E.g. Smithson and Stokoe (2005) explored current discourses utilized by both employees and managers about gender, flexible working patterns, gender equality and work life and emphasised the usage of gender blind terms in the policies of the companies. They conclude: "Our analysis suggest that masking or minimizing gender differences within gender-neutral language does not, as a strategy, appear to be working as a means for advancing gender equality. In other words, men do not normally 'do flexible working and work-life balance, any more than they did family-friendly working'" (2005:164). Smithson and Stokoe also point out the importance of policies that directly emphasize the care role of fathers as such and make reference to the Swedish scheme of two months of parental leave for each parent.

## CONCLUSIONS

Despite the extensive Nordic cooperation in the field of family law and equality policies the Nordic policies present somewhat different emphasis on the care role of fathers.

All the countries have emphasized the importance of joint custody after divorce, but Iceland is a clear laggard in this aspect and has not yet legalized joint custody as the main rule after divorce. Similarly the countries adopt a different approach when it comes to the possibility of the courts to rule on joint custody when the parents are not in an agreement. Denmark and Iceland have both taken the agreement as a necessary condition for joint custody. This, as explained by Björnberg *et al.* (2003) can lead to a situation where one spouse can abolish the other parent from custody by creating a disagreement. However it is clear that all countries emphasize the right of children to care from both parents regardless of the parental relationship. This is also emphasised through recent changes in laws on maintenance and access. Thus during a period of few decades the situation of divorced fathers has changed radically and their legal rights to care for their children have been ensured. The rights of lone fathers has also been improved but mothers still hold sole custody if children are born out of wedlock, except for the case of Iceland where parents in registered cohabitation share custody.

All the Nordic countries have made radical changes in their family law to ensure the rights of same-sex families, including the rights of same-sex parents to adopt each other's

children. This has happened over a relatively short period of time in all the Nordic countries. However, despite the fact that all Nordic countries allow individuals to adopt children, gay couples have not been allowed to adopt children together. Sweden was the first country to legalise such rights. So far Sweden is the only country that has grant gay couples rights to adopt children together.

The welfare systems of the Nordic countries have gradually developed from a breadwinner model to an individual model. Thus, parental rights and duties have gradually been made the same for all parents, regardless of their position. Similarly policy differences regarding the roles of mothers and fathers have been abolished and entitlements are more or less based on the individual model, thus providing the same entitlements to both fathers and mothers. However, this development has only partly taken place in relation to parental leave. The rights of the mother to paid leave in connection to childbirth have been more extensive and it was only in the 1970s that the right of the father to take part of the leave is legalised. It was also emphasized that the father could take a short leave of absence to care for the newborn child and the mother during the first two weeks after birth. The experience showed that fathers only used a small portion of the joint parental leave. Thus the idea of special quota, or individual entitlements to paternity leave gained support. However the Nordic countries have taken quite different positions on the matter. In 2005 Denmark did not provide individual rights to fathers while Iceland and Sweden gave mothers and father equal rights to paid parental leave. Finland and Norway provided the father with approx. one month of independent rights. Thus the Nordic countries have defined the role of the state in ensuring fathers' rights to care for their children in quite different ways as following table shows.

**Table 6** Nordic countries: Overview of some legal rights of importance for fathers, March 2006

	Denmark	Finland	Iceland	Norway	Sweden
Joint custody main rule	Yes	Yes	No*	Yes	Yes
Possible to rule on joint custody when parents are not in agreement	No	Yes	No	Yes	Yes
Possible to take access into consideration when maintenance payments are decided	No	Yes	No	Yes	Yes
Gay "married" fathers: Legal right to adopt together	No	No	No*	No	Yes
Individual rights to paid paternity leave	No	Yes 2 weeks	Yes 12 weeks	Yes 4 weeks	Yes 8 weeks

\*Has been proposed, a governmental bill.

The literature reports that men in all the Nordic countries still work longer working hours in paid jobs, have higher salaries and a better power position in labour market. At the same time women do a larger part of household work and spend more hours on care than men do.

Keeping the explicit long-term political goal of the Nordic countries and the extensive co-operation in the field of gender equality in mind, these results seem somewhat disappointing. Furthermore despite the joint understanding of all partners involved, that increased equality in labour market and society cannot be achieved unless fathers take on a more active care-role, the gender equality program of the Nordic council of Ministers does not emphasize active policies to promote the care role of fathers in their program for 2005-2010. Thus the Nordic countries have all emphasized legal rights of fathers to care for their children, but it is difficult to make exact judgments on how highly this issue is ranked on the political agenda. Thus further studies of the politics of fatherhood, and the development and outcomes of different schemes, are needed in order to provide more exact picture of policies on caring fathers in the Nordic countries.

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