



UMEÅ UNIVERSITY

Same-sex parental leave

Legislation and equality

Fredrik Bernelf

Master thesis, 15 hp
Law, gender and society programme 120 hp
Spring term 2017

Abstract

Sweden is known to have one of the world's most generous parental insurances, both in length and flexibility which has led to a high maternity rate and more women in paid work. The political work on equality in Sweden has the goal that women and men shall have the same power to shape society and their own lives. This has led to legislation aimed at getting fathers to stay more at home with their children. There has been plenty of research on this subject so this study goes off the main track and looks at how legislation around parenthood works for same-sex couples and if paternal leave is shared more equally between same-sex parents than heterosexual parents. Discourse analysis of the legislation and a survey with same-sex families followed by interviews indicate that same-sex couples share parental leave more equally than heterosexual couples. Legislation works well for most same-sex families except for the process of related adoption. Reasons for more equal sharing of parental leave is hard to find but could depend on the fact that same-sex couples have been couples for a longer time, than heterosexual couples, before deciding to have children. Wage gap between men and women is a reason why heterosexual couples do not share equally and it could be vice versa for same-sex couples.

Keywords: parental leave, equality, same-sex family, related adoption

Table of contents

| | |
|--------------------------------|----|
| 1 Introduction | 1 |
| 1.1 Research questions | 1 |
| 1.2 Limitations | 1 |
| 1.3 Background | 1 |
| 1.4 Previous research | 2 |
| 1.5 Methodology | 3 |
| 1.5.1 Method discussion survey | 3 |
| 1.5.2 Method discussion | 5 |
| 1.5.3 Research ethics | 6 |
| 2 Theory | 8 |
| 2.1 Law | 8 |
| 2.2. Gender and equality | 9 |
| 2.3 Political goals | 11 |
| 2.4 The daddymonth | 12 |
| 2.5 The equal parents | 13 |
| 2.6 Same-sex families | 13 |
| 2.7 Comparative advantage | 14 |
| 2.8 Attachment theory | 15 |
| 3 Result and analysis | 17 |
| 3.1 Legislation | 17 |
| 3.1.1 Föräldrabalken | 17 |
| 3.1.2 Föräldraledighetslagen | 18 |
| 3.1.3 Socialförsäkringsbalken | 19 |
| 3.2 Quantitative study | 19 |
| 3.3 Interviews | 20 |
| 4 Discussion | 23 |
| 5 Conclusion | 25 |
| 5.1 Further research | 25 |
| References | 26 |
| Appendix A – Questionnaire | 30 |
| Appendix B – Wordlist | 31 |

1 Introduction

Sweden got its first parental leave legislation in 1974 and it has since then evolved into one of the most generous insurance programs for parents in Europe with 480 days of paid parental leave. Much of the political work done around parental leave has focused on getting more fathers to stay at home with their children. 30 of the 480 days were reserved for each parent in 1995, another 30 days in 2002 and recently 30 more days in 2016. That the change is mainly aimed at fathers is also clear since the first legislation change has popularly been called “daddy month”. Alongside these changes in legislation there has been campaigns to get more fathers to stay at home and a lot of research has been made into how both legislation and campaigning has contributed to equality in childrearing and household work. Despite these efforts fathers still took only 24.4% of all parental leave days and 25% of the fathers didn’t take any parental leave at all in 2012.

This study will take a different approach and look beyond the heterosexual family norm and see how the legislation works for same-sex couples and if equality has come a longer way among same-sex couples.

1.1 Research questions

The main questions for the thesis will be *How does parental leave legislation work for same-sex couples?* and *How do same-sex couples decide to share parental leave?*

1.2 Limitations

The parental insurance is divided into two parts, one for parental leave and one for caring for a sick child. This thesis will be limited to parental leave in Sweden.

1.3 Background

Sweden is known to have one of the world's most generous parental insurances, both in length and flexibility which has led to a high maternity rate and more women in paid work. The political work on equality in Sweden has the goal that women and men shall have the same power to shape society and their own lives.

The work around equality during the 20th century has had several aims and this is a really complex area. It could seem that equality is the important question, but it’s also a question about getting women into paid work and an equal share of other home work than taking

care of children. Reserved days for each parent and an equality bonus has been the legislation used since the 1970's aimed mainly at getting fathers in heterosexual relationships to stay more at home with their children. There have been suggestions to force a 50/50 share of the 480 days, individualized parental insurance, and this has raised a lot of questions.

1.4 Previous research

During the forty years since Sweden legislated parental leave there has been extensive research made into how parents share the possibility to stay at home with small children. One example is *Inte bara jämställdhet: Beslutet om föräldraledighet, moderskaps- och faderskapsideal och idéer om barns bästa* [More than gender equality. Decisions on parental leave and ideals around motherhood, fatherhood and the best interest of the child, authors translation] where the authors have conducted 40 semi-structured interviews and discussed the decision-making processes regarding parental leave among nascent first-time middle-class parents in Sweden. Results from the interviews showed that ideals and norms of gender equality are accompanied by gendered divisions of work and care and a partially traditional view on motherhood and fatherhood. In some couples an equal division of parental leave is taken for granted to such an extent that the decision on how to divide the leave is taken implicitly rather than explicitly. The decision on how the parental leave is divided is not an isolated process since ideals and norms around motherhood, fatherhood, gender equality and not least what is 'in the best interest of the child' constitute part of the context in which this decision is made. (Alsarve, J & Boye, K, 2012)

Almost all research has focused on heterosexual, normative relations of a man and a woman living together. Several reasons for sharing parental leave more or less equally have been found and these will be explained but the study will also go beyond this and include same-sex couples to see how legislation works for them and if equal share differs between heterosexual couples and other family constellations.

The research that has been made on same-sex couples has instead focused on comparing outcomes for children raised in same-sex and opposite-sex parented families. It has consistently found that children raised in same-sex parented families do at least as well as children in opposite-sex parented families in all significant areas. (Gay and Lesbian Health Victoria, 2010)

1.5 Methodology

Discourse analysis will be used by first looking at how legislation and information around parental leave is formulated and then at how other research has presented these issues. A quantitative study among same-sex couples will give a sample of how sharing of parental leave is made. The quantitative study will be followed up by interviews among the same-sex couples to try and find the reasons behind why they decided to share the way they do and if they find the legislation around parenthood discriminating for same-sex families.

In construction of both the survey and interview common guidelines for creating a good questionnaire was used. The questionnaire for the survey is kept short and starts with an introduction and then general questions that are easy to answer. More sensitive questions, including demographics (especially income), near the end of the survey. In this study, the question of how parents share parental leave is considered as that type of sensitive demographic question (Harrison, 2007). The questions are written to be easy to understand, with a simple and direct language. Almost every question asks for only one thing. One exception to this rule is the question in the interview that asks “*How did you reason when it came to sharing parental leave? Which factors were important for you?*” The second question isn’t really a new question but rather an explanation to the first. The questions are also designed to be neutral and not leading in any direction. Most questions in the survey are closed-ended questions because it increases the reply-rate and it makes analysis easier (Harrison, 2007).

Not all answers are possible to anticipate, especially for an outsider to the subject. Therefore, the option “Other” was included in several questions as well as a free text answer where respondents could leave comments outside of the closed-ended questions.

1.5.1 Method discussion survey

Data concerning how parents share parental leave comes primarily from Försäkringskassan, which is the institution that oversees the parental insurance, and Statistiska Centralbyrån (SCB). When contacted they both explained that they had no such data and that it would be costly to produce. They primarily focused on data that showed how much of the parental leave the father took. The Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights, RFSL, was also contacted and while not having any data either suggested to visit two websites aimed at same-sex families.

Since there was no secondary data available the idea to work with primary data came to life. An introductory survey and then interviews will be used.

The surveys questions are first gender of the respondent and partner to see if male couples and female couples responded differently. Thereafter a question about marital status and how the child was conceived. As a reader, you might find these questions not quite relevant and perhaps even intrusive. When looked at ethically it can first seem irrelevant to ask about marital status and if the child is adopted or conceived through in vitro fertilization (IVF), but as you will see further on in the thesis this is indeed relevant in same-sex families. Depending on if the child is conceived through IVF in or outside Sweden and if the parents are married or not will have impact on the possibility to even have any parental leave at all.

A self-completed, web-based, survey is used and since there is no good way to reach the target group from a probability sampling view the selection was instead made by convenience sampling combined with self-selection. Convenience sampling means that the sample population is selected because it is readily available and convenient. In this study the Facebook group “Regnbågsfamiljer” [Rainbow families, my translation] and the group “Gaypapporna” [Gay fathers, my translation] are used. The advantage of using convenience sampling can be seen in small research projects with a limited budget, both in time and cost (Denscombe, 2014).

Participation in the survey was voluntary and among the 4 000 group members 238 decided to answer. The researcher using such a sample cannot scientifically generalize about the total population from this sample because it would not be representative enough. With the aim to get 30-40 answers the answering frequency was much higher than expected and this contributes to the legitimacy of the survey. Getting answers from these limited groups could mean that there is a bit of self-selection bias because those who apply for membership to these groups and who decide to answer the survey can be more positive to sharing parental leave equally than the average same-sex parent. But the survey has on the other hand reached just its target group.

The primary target of the survey was to see if the claim from Aftonbladet that “Lesbiska är mer jämställda” [Lesbians are more equal, my translation] (Aftonbladet, 2008) seemed true and to find respondents who were willing to participate in an interview.

1.5.2 Method discussion interview

The survey is only good at finding some answers so the next step was the interviews. The purpose of the interviews is to get a deeper understanding of the respondent's thoughts around equality and the parental legislation. A researcher that through his/her research wants to understand why a social phenomenon is like it is has to examine it in its own world and on its own conditions (Rosengren & Arvidsson, 2002). I chose interview as a method to get a better understanding of the respondent's life and perspective and to get a better insight into why they have shared their parental leave in the way they have done.

After the survey the main questions for the interview are constructed as follows.

How long had you been a couple before becoming parents?

The hypothesis is that same-sex couples have been together for several years before deciding to have children. The process of becoming parents is more difficult for same-sex couples and this could be a factor that has impact on how parental leave is shared since you as a couple has had time to develop equal household routines over the years.

How did you reason when it came to sharing parental leave? Which factors were important for you?

The main reasons given by most heterosexual parents are economic and how the employer promotes parental leave. Are the reasons the same for same-sex couples or are there other reasons that matter in the discussion of how to share parental leave?

Is there a legislation change that needs to be made to make it easier for same-sex couples?

The survey showed that most parents were satisfied with the current legislation but on a direct question they might answer differently.

There is a political debate about changing the legislation so that each parent would receive 240 days, non-transferrable. What is your reaction to this?

Even if half of the respondents in the survey shared their parental leave equally there would probably be some reactions to a forced division from the government.

The interview is semi structured and neither an open conversation nor a strict questionnaire. The interviews are performed with the questions above as theme for the discussion but then the conversation sometimes can take different roads, depending on the respondent. The interview can neither be seen as subjective or objective but the center of the interview is the intersubjective interaction (Kvale, 1997).

From the 238 answers in the survey 80 persons answered that they were willing to be contacted and interviewed as well. From these eight were chosen. Criteria for the selection was to get answers from both men and women, those who divided parental leave equally and those who did not, those who conceived through IVF and those who adopted and different family constellations.

1.5.3 Research ethics

When conducting research with an exposed group it is necessary to make careful preparation and continuous reflections during the work. There are many aspects to think of including “power, consent and community representation; confidentiality; trust and mistrust; harms, risks and benefits; autonomy and agency; cultural difference; gender; human rights and social justice; and in the worst cases, oppression and exploitation” (Mackenzie, McDowell and Pittaway 2007, p. 300). This quote is from an article on refugee studies but in much also applies to this research. LGBT-persons are a vulnerable group and in some countries, it is even a capital punishment crime. Even if Sweden and much of the western world is gay-tolerant, hate crimes is a reality for the LGBT community. As an outsider to an exposed group one must be careful in the use of certain words like for instance “dyke” to represent a lesbian woman. For those in the LGBT-community this is acceptable but for those outside the community it could be considered foul language. To describe same-sex families as Rainbow families is an expression example from this study. During the writing of the thesis it was considered to be removed entirely but it is still used since it is an expression used by both the community, the parents themselves and official institutions.

When doing social science research Vetenskapsrådet [the Swedish research council, my translation] has written ethical guidelines that should be followed by all researchers. Four requirements should be followed by all researchers: the information requirement, requirement of consent, confidentiality requirement and utilization requirement. These requirements help the researcher as well as guaranteeing that the participants are protected

continuously throughout the study (Vetenskapsrådet 2002).

The information requirement states that the researcher must inform participants about the purpose of the study and the requirement of consent is that participants has the right to determine their involvement in the study, including the possibility to revoke their consent anytime during the study. The confidentiality requirement states that all information about participants should be confidential and that personal data must be stored in such a way that prevents unauthorized people to take part of them. The utilization requirement states that data collected about individuals may only be used for research purposes (Vetenskapsrådet 2002).

The four ethical requirements have been taken into consideration in this study. Informants in the survey got this information written as an introduction to the survey. This introduction contained information about the study, which role the participants play, how their information would be handled and presented, and that they at any time could withdraw their participation in the study. For those participating in the interview this was orally presented at the beginning of the interview to ensure the awareness of ethical aspects. For the requirement of consent, it was considered to be given when the survey was returned and as the respondent answered the interview questions.

The confidentiality requirement is followed by ensuring that all material for the study is kept in a password protected computer and the utilization requirement is kept in the way that the gathered material is only used for this study and will be destroyed once the study is approved.

2 Theory

This thesis is part of the masters programme Law, Gender and Society and the theory will therefore look at these parts along with theory around how heterosexual couples divide parental leave. Even if this study focuses on same-sex couples it is vital to have some knowledge around what the research shows for heterosexual couples. This makes comparison between heterosexual families and same-sex families easier.

2.1 Law

During the last 30 years, there has been a movement towards granting same-sex couples the same, or almost the same, legal rights as enjoyed by heterosexual couples. This work is in reference to basic human rights. All individuals should have the same rights and there shall be no discrimination based on a person's sexual orientation. Recognizing homosexual partners as a "couple" also aims at changing negative attitudes in society by providing a legal framework of acceptance (Jänterä-Jareborg, 2006). In 1973, the Swedish Parliament stated that "cohabitation between to persons of the same-sex is a perfectly acceptable form of family life from the society's point of view" (Jänterä-Jareborg, 2006:76). This position did not however include any position regarding same-sex parenthood and this has remained much more controversial. Arguments from the opposition is often that a child needs both a mother and a father who supplement each other by their biological nature. There are even conservative forces that go as far as claiming that same-sex marriage and joint legal parenthood of same-sex couples threatens society itself "The society can sustain one and only one marriage institution. Society cannot, at the same time, tell the people (and especially the children) that marriage is the union of any two persons and that marriage is the union of a man and a woman. Two 'coexisting' social institutions known society-wide as *marriage* is a factual impossibility" (Stewart, 2005). Those in favor of same-sex marriage and parenthood sees no ground for any difference in treatment. Homosexual parents are just as loving and suitable to become parents as heterosexual persons.

When the Swedish legislation on registered partnership was adopted in 1994, registered partners were excluded from any rights of joint parenthood. It took almost ten years before same-sex couples could adopt under the same conditions as a married, heterosexual couple. In 2005 lesbian couples got the right to assisted fertilization services at public hospitals in Sweden.

On the surface, Sweden lives up to the standards of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) articulated in Article 2. (Svensson & Gunnarsson, 2012:10) Contrary to CEDAW Sweden has a mostly sex neutral legislation, with the exception of discrimination against women and men (Regeringsformen ch 2, §16) and some of the legislation around parenthood. The CEDAW committee has considerations about this and wants Sweden to introduce a substantive gender equality principle. There are two legal traditions affecting this: the tradition of anti-discrimination on a more personal level and the Nordic welfare model that focuses more on structural inequalities. The focus on social institutions rather than individual rights demands equality of outcome rather than equality of opportunity (Svensson & Gunnarsson, 2012). The Swedish government have stated this as goals for equality where sub target number five is of importance for the equal share of parental leave: “Jämn fördelning av det obetalda hem- och omsorgsarbetet. Kvinnor och män ska ta samma ansvar för hemarbetet och ha möjligheter att ge och få omsorg på lika villkor. (Regeringen, 2016)” [Even distribution of the unpaid home- and care-work. Women and men shall take the same responsibility for homework and have possibilities to give and get care at equal terms, my translation.] This goal has then led to the reserved months to force fathers to stay at home more with their children and thereby increasing equality.

Law has limits which makes it stand apart from social context and religious, cultural, ethnic, gender and sexual norms. (Davies, in Gunnarsson, Svensson, Davies 2007: 224). Legal sources set limits excluding “politics, culture and other normative discourses” (Gunnarsson, Svensson, Davies 2007:5). These limits of law are socially and discursively constructed but it could be exploited, by challenging the dogmatic position of law and by plurality and reworking its divisions and categories. (Gunnarsson, Svensson, Davie 2007: 12). A critical perspective of law can shed a light over what it is understood to be outside the legal discipline and its object. Discourse analysis of legal knowledge also helps to shed light on language influencing the understanding of the world, power relations and socio-legal constructions of law (Gunnarsson, Svensson, Davies 2007:9).

2.2 Gender and equality

Gender is not something we are born with, it is a construction based on acts which creates the idea of it, and it is something that we do. (Butler 1988: 522). Gender is something that

we shape in performance, in discourse and in our language. The gendered body “acts its part in a culturally restricted corporeal space and enacts interpretations within the confines of already existing directives” (Butler 1988: 526). This performance of gender happens by attributed social patterns of behavior in accordance with the roles assigned to the biological sex one is born with and that also applies to the role we take as parents. How the family is looked upon can also be from a perspective of power. The biological, heterosexual, family is a power structure ”The biological family is an inherently unequal power distribution.” (Firestone 1997:23) Firestones way out of oppression was that women should abandon motherhood to escape patriarchy and that might be a harsh solution to gain equality.

The unequal sharing of parental leave in heterosexual families can have theoretical explanations in feminist theory. Hekman sees the woman-subject as relational as the ‘feminine’ becomes in relation to ‘masculine’, becoming a “self” through relations with others” (Hekman 2014: 45). These binary oppositions tend to establish themselves as “the signifier that defines the pair, while the other becomes the negation of the first” (Lykke 2010: 100). For Michel Foucault (1982), women, in this case mothers, are made subjects by the way they are ‘othered’, objectified and categorized (Foucault 1982: 777-8, 781, 789). They are constructed as subjects in regard to what it is determined by action. How parents are supposed to be is very stereotypical. A mother is supposed to be at home with her child while fathers are praised if they decide to take parental leave. Women often have no choice and if they decide not to be at home they deviate from the norm of the good mother. (SOU 2005:73) But new families are constructed, moving away from the patriarchal male breadwinner and housewife family, where women had little rights and were dependent on their husbands. We have now moved into a society “where every adult individual take responsibility for herself or himself, without being dependent on other family members” (SOU 1972:41, p. 58, quoted in Roman 2008:101) Roman describes how family politics is a struggle between politicians and women’s movement and the academic discourse. Roman sees the academic discourse as “bridge discourses” bridging the gap between for example various groups challenging conceptions of gender and the state. And then she shows by empirical material how many aspects of society, like “quality time” with your children, public childcare was a “love resource” for children and would create more democratic individuals.

How we see parenthood is changing and for many parents it’s quite different from what

they experienced growing up. “At the same time, what was often left unsaid, though strongly implied, was the realization that they are immersed in a culture that both encourages different images of fatherhood and holds traditional motherhood images as the ideal.” (Dienhart, 1998:178) Going into a shared parenthood also means changes to the gendered roles for men and women “Women’s acculturation seems to nag at them to hold on to deeply felt, perhaps unconscious, expectations about motherhood. In this way women are challenged to break through their acculturation when they want to share parenthood. They are challenged to let go of some of motherhood’s responsibilities of feeling like the parent of first and last resort and, perhaps, the associated entitlement to set the standards for parenting and family life. Men’s acculturation seems to challenge them to assert new claims on parts of the parenting repertoire, expanding their vision both to feel and to enact fully the fatherhood part of the sharing parenting dance.” (Dienhart, 1998:180)

The socially constructed gender or rather gender role might be what leads us to how we are supposed to act as mothers and fathers and therefore equality work needs to start early. The Swedish preschool Tittmyran in Gävle received the Doris-price from Jämställdhetsarbetarens förening [Equality worker’s society, my translation] in 2004 for their work with equality. Kajsa Wahlström who led the work at Tittmyran wants to give the children the possibility to develop as individuals without being affected of what grownups consider to be male or female. This led her to the conviction that the staff at the preschool needs to treat girls and boys in another way than they spontaneously do when the sex of the child leads to different address and expectations. This has led to equality work in many Swedish preschools based on Wahlströms two steps. The first step is that boys and girls should be met in the same way. The other step is to try and interest girls to play more like boys and boys to play more like girls. (Claesson, 2010)

2.3 Political goals

The political goal, mainly from Socialdemokraterna [The Swedish Social Democratic Party, my translation], in equality is a quantitative goal. The distribution of sex is equal only if no sex is represented by more than 60% and should aim towards 50/50. This aim goes for both occupations and educations and it is even clearer in the political aim when it comes to parental leave. There is talk among political parties and unions of changing the legislation to 240 nontransferable parental leave days per parent, an individual parent

insurance (Johansson, 2014, Olsson & Alkurdi, 2015, LO, 2016). This is a controversial discussion where one side claims that it is a reduction of personal freedom “[when politicians] think that parents should lose the freedom to decide over their every-day in purpose for the opinion that the government knows better ... than the mothers and fathers, it is neither a freedom reform nor an equality reform. It is an unfreedom reform that de-individualizes decisions and responsibility from individuals, parents and families.” (Hökmark, 2016, my translation)

The advocates for individualized parental insurance on the other hand claim that this is a necessary way to change the unequal parental leave “To reform the parental insurance can therefore create crucial changes for women’s and men’s conditions to live equally. A shared and totally individualized parental insurance is an important equality reform even for men who are expected to take less responsibility for their children’s upbringing. Therefore, this is an important equality reform for both sexes.” (Lundgren, 2013, my translation)

2.4 The daddy month

In 2002 came an analysis from Riksförsäkringsverket, *Spelade pappamånaden någon roll [Did the daddy month make a difference, my translation]*, that considered the effects of the 1995 legislation change where 30 days were reserved for each parent, mainly directed at getting the fathers to stay at home with their children. The report looked at how families with children born between 1993 and 1996 shared the parental leave with focus on the father's. Through data the families were followed during a period of four years. The conclusion was that more fathers took parental leave during this period but less days than before. Even more interesting was the difference on individual- and family level. Parameters that seems to matter are that fathers with higher education (over two years at university) and relatively high income took more parental leave. The same applies to families where the mother has higher education. During this period the compensation level was lowered which could be one parameter that affected that less parental days than before were taken by fathers. The fathers who didn't take parental leave had lower income than average and more didn't have upper secondary level education. They also received more financial support as unemployed and social welfare. Finally, a larger part of the fathers that didn't take parental leave were born outside Sweden. Worth to mention is that during

the examined period there was also a recession in Sweden with historically high unemployment.

2.5 The equal parents

In 2013 Försäkringskassan researched parameters that could increase the probability of an equal parental leave, *De jämställda föräldrarna* [*The equal parents, my translation*] (Försäkringskassan, 2013). This report doesn't only look at why some families share parental leave more equally but also tries to combine the parameters from previous research to see why fathers take more parental leave.

New parameters compared to the daddy month-report are that older parents are less likely to share parental leave equally and equally aged parents are more likely to share equally.

The probability for equal share doubles if the mother is a high-income earner, but decreases if the father is a high income earner. The parental insurance has a limit on how much you can earn and when the father's wage raises and gets close to this limit, the probability of equally shared parental leave starts to decrease. In a family with a low-income father there is also a lower probability for equal share. Parents who have equal pay increases the probability for equal share. Where you work also affects equal share. Men in public sector are more likely to share parental leave equally than those working in the private sector. There is also a geographical difference where parents living in a major city are more likely to share equally than the rest of the country.

2.6 Same-sex families

According to statistics from 2012 there are around 1300 same-sex couples that are either married or registered partners where at least one partner is legal guardian of one or more children. These families are called rainbow families and can be of different kind. The expression rainbow family is said to have its origin from the 1960's where "mass adoption" of hippies into "families" was referred to as rainbow families. Now the common use is to describe LGBT families. The expression is used in a positive way by most organizations. The most common rainbow family is homosexual women where one parent get conceived with in vitro fertilization (IVF), also referred to as assisted reproduction. Since 2005 this can be done through the swedish healthcare and the woman who lives together with, is registered partner or married with the inseminated woman automatically becomes legal guardian as well. If the child is conceived outside of Sweden the other

parent needs to apply for related adoption of the child. This process takes several months and until it is finished the legal guardian can't transfer parental leave days. Another way for homosexuals to become parents are that two women and two men get a child together. These children are registered with one couple but have often its two biological parents as legal guardians. Children in rainbow families can also come from previous relationships and therefore have other legal guardians than the same-sex couple. In total there are around 2.200 children that have one or two parents living in a same-sex marriage or registered partnership. Of the children living with both their parents, in a same-sex marriage or registered partnership, 1.200 children have two women as legal guardians and 60 children have two men as legal guardians. (SCB, 2012a)

Assisted reproduction in the Swedish healthcare system can only be done with a non-anonymous sperm donor and that is one of the reasons that many couples still go to other countries to get assisted reproduction. Anonymous donators can for instance be found in Denmark. With a non-anonymous donor, the parents will not know who the donor is but the child can get this information. Other reasons for going outside Sweden can be long waiting time in the healthcare system and age limits (HBTQFamiljer, 2017a)

2.7 Comparative advantage

Becker's theory of comparative advantages could explain why most parents not sharing equally refer to economy as the main reason for this. The most pervasive division of labor within households and families is between married women and married men. The women have a traditional role of devoting most of their time to childrearing and other domestic activities while men hunt, soldier, farm or engage in other "market" activities (Becker, 1993). These divisions are determined partly by biological differences and partly by different experiences and different investments in human capital. But even if all family members were biologically identical a specialization in allocation of time and accumulation of human capital would give extensive efficiency, according to Becker's theory. So, each member of the household should do what they do best, "The theory of comparative advantage implies that the resources of members of a household (or any other organization) should be allocated to various activities according to their comparative or relative efficiencies." (Becker, 1993:32)

If both parents earn equally it is still more efficient if both specialize in one area, i.e. one parent take household work and parental leave and the other takes waged work. Becker

mean that by specializing you get better in your area and therefore achieve more from it in the end. (Becker, 1993). This is one theory that will be tried to see if it holds for same-sex couples.

2.8 Attachment theory

The psychiatrist John Bowlby worked in a Child Guidance Clinic in London in the 1930s, where he treated many emotionally disturbed children. This experience led Bowlby to consider the importance of the child's relationship with their mother in terms of their social, emotional and cognitive development. Specifically, it shaped his belief about the link between early infant separations with the mother and later maladjustment, and led Bowlby to formulate his attachment theory that became widely known in the 1950s. Bowlby suggested that a child would initially form only one primary attachment (monotropy) and that the attachment figure acted as a secure base for exploring the world. The attachment relationship acts as a prototype for all future social relationships so disrupting it can have severe consequences (MacLeod, 2009). These thoughts are then used when explaining why mothers stay at home longer than the fathers. This has later been discussed and psychologists have proposed two main theories important in forming attachments. First the learning or behaviorist theory of attachment suggest that attachment is a set of learned behaviors. This first attachment is based on food, an infant will initially form an attachment to whoever feeds it. They learn to associate the feeder (usually the mother) with the comfort of being fed and through the process of classical conditioning, come to find contact with the mother comforting. They also find that certain behaviors (e.g. crying, smiling) bring desirable responses from others (e.g. attention, comfort), and through the process of operant conditioning learn to repeat these behaviors in order to get the things they want (MacLeod, 2009). This extended way of looking at attachment is also used by some parents "With the first child they were home together the first month and from the second month they were home every other day. Jens: None of us were particularly interested in stepping in at half-time. The mother thought it was tough to be at home with all the responsibility in the beginning when the child was born and then I didn't want to come as a substitute after eight months and don't understand as much. You can wonder if they are as impossible as you think. Breastfeeding is often mentioned as a reason that makes it difficult, but it worked fine for us anyway. We had a supply in the freezer. If you want you can solve most things." (Dahlin, S, Lauri J, Tenor C, 2012)

The early research around attachment theory centered on the connection between child and mother, who is considered the most important person in the child's life. Modern research mean that besides the father there are other individuals and factors to take into consideration. Further critique consists of the number of attachment relations a child can have and needs. Modern research says that a child without problem can have several attachment relations at the same time, it is not limited to just one person. If, for instance, the mother lack in contact the child seeks someone else, like the father, siblings or another person it is close to. The child learns early to handle different situations and to seek contact with different individuals in different situations. This is an ability that the child brings into adulthood. The child learns what is expected from others in the form of positive and negative expectations. (Broberg et al., 2006; Sibley & Overall, 2007)

3 Result and analysis

The result will be divided into a discourse analysis of the legislation, the quantitative survey and the qualitative interviews.

3.1 Legislation

There are several laws that affect same-sex parenthood and they are more or less adjusted to non-heterosexual relationships. How you are defined as being a parent and the rules for parental leave are the most important for same-sex families and therefore also the focus of this study.

3.1.1 Föräldrabalken (1949:381)

How parenthood is constructed goes a long way back. The presumption that a man who is married to the mother of a child also is the father of the child goes all the way back to Roman law. This basic rule is also shown as important in Swedish law since it is the first paragraph, 1 Ch., §1 “Är vid barns födelse modern gift med en man, ska denne anses som barnets far, om inte annat följer av 2 §.” [Is the mother, at time of birth, married to a man, shall he be considered father of the child unless otherwise follows by 2 §, my translation]. The exceptions in §2 then excludes the husband if another man admits fatherhood or if it is obvious that the husband isn't the father, for instance if a white couple gets a colored child.

In 2009 the text became more gender neutral when 1 ch, §9 was added stating that if the child is conceived through IVF “med samtycke av en kvinna som var moderns maka, registrerade partner eller sambo och är det med hänsyn till samtliga omständigheter sannolikt att barnet har avlats genom inseminationen eller befruktningen, ska den som har lämnat samtycket anses som barnets förälder.” [with consent of a woman who was the mother's wife, registered partner or common law wife and it is, considered all circumstances, plausible that the child is conceived through the insemination or conception, should she who has consented be viewed as the child's parent, my translation].

If the mother is not married it is required that the social service department make an investigation into who is the father of the child, Ch. 2, §1. For IVF made at a Swedish hospital this is overruled, as above, by Ch. 1, §3 that refers to *Lag om genetisk integritet* (2006:351) [*Law on genetic integrity*, my translation]. If the IVF is performed in another

country the investigation is often concluded if the same-sex couple can show a receipt from the foreign institution. If the child instead is conceived through insemination at home a thorough investigation is made trying to find the father. The second chapter of Föräldrabalken describes how this investigation should proceed and the few exceptions on which it can be dismissed. The fatherhood investigation, which can take quite some time, must finish before the related adoption process can start. The background to this section of the law is that the man who produces a child through his sperms also must take responsibility for the child (HBTQFamiljer, 2017b)

3.1.2 Föräldraledighetslagen (1995:584)

This is the current legislation that gives employees the right to stay at home with their children [Parental leave law, my translation]. The major change to parental leave legislation came in 1974 and that was an update to better correspond with EU regulations and to further protect the mother. These changes were not gender neutral but had its ground in medical reasons. The mother, or rather carrying mother in this study, is allowed to stay at home seven weeks before the expected date of childbirth and seven weeks after delivery. There is also the possibility of relocation from for example heavy lifting and dangerous environments. This doesn't only apply to employees but also to self-employed expectant mothers.

The first critical point in the law, from a same-sex perspective, is §1: “En arbetstagare har som förälder rätt att vara ledig från sin anställning enligt denna lag” [An employee who is a parent has the right to leave from their employment according to this law, my translation]. How a parent is defined in the legal sense is explained under Föräldrabalken. There is another possibility as well in §1, 2nd paragraph, 3rd point “stadigvarande sammanbor med en förälder under förutsättning att arbetstagaren är eller har varit gift med eller har eller har haft barn med denna förälder.” [permanently lives together with a parent subject to that the employee is or has been married to or has or has had children with this parent, my translation].

This writing becomes most important for female same-sex couples where the carrier gets an IVF outside of Sweden. For the other parent to become a legal parent a related adoption needs to be carried out and this normally takes between six to ten months. During this time only the carrier can be on leave from work according to the legislation.

3.1.3 Socialförsäkringsbalken (2010:110)

Here, as well as in Föräldrabalken and Föräldradighetslagen the first important thing to look at is who is defined as a parent, except for the carrying mother. The 11 Ch., §4 first states a spouse living together with the parent. Secondly a common-law wife/husband that has or has had children with the parent. A couple who are becoming adoptive parents are also considered parents and let's get back to that later. Finally, also foster parents are listed. These rules are the base for parental leave insurance that is the focus for this thesis. The rules for getting compensation while staying at home with a sick child is more generous as for instance grandparents can get this.

One problem stated for same-sex parents is with the related adoption and that the non-carrying parent can't get financial compensation for their parental leave until the adoption has come through. This doesn't really correspond to the writing in Ch. 11, §4 about adoption, but gets its explanation in ch 2, §15 "Med blivande adoptivförälder avses i denna balk den som efter socialnämndens medgivande har tagit emot ett barn för stadigvarande vård och fostran i sitt hem i syfte att adoptera barnet." meaning that it's only a couple that, after approval from the social service department, has received a child for permanent care and nurturing in their home with the purpose of adopting the child (my translation). So, this is not applicable to related adoption for same-sex parents.

3.2 Quantitative study

The quantitative study really has two aims, first to get answers to support or claim a hypothesis and secondly to find respondents willing to participate in an interview. Six questions are asked in this study (Appendix A). First two background questions about gender of the respondent and their partner. Then questions about marriage, how the child was conceived, how parental leave was shared and finally how legislations have worked for the family.

Around 92% of the respondents are women with female partners and around 8% are men with male partners. This corresponds well with the official statistics from 2012 that had a 95% versus 5% division (SCB, 2012a). 70% of the couples that answered the questionnaire are married and this could be to the rules around IVF and adoption for same-sex couples, but it actually corresponds rather well with overall numbers for all couples. 34 000 couples got their first child in Sweden in the year 2000. Of these parents 55% were common law parents and 30% were married when the child came. When followed up ten

years later 73% of the parents still living together were married (SCB, 2012b).

Among the respondents in the survey, the most common way of conceiving a baby was through assisted reproduction, IVF (89%)

In heterosexual couples 71,8% of all days for parental leave and child sick leave is taken out by mothers (TCO, 2017) and in 2013 only 13% of all families shared their parental leave equally (Försäkringskassan, 2013). In the survey, it turned out that among same-sex couples 47,9% shared equally and 33,6% answered that one partner took 51-74% of the parental leave. If only the male same-sex families are looked at the equal share quote is 45% and 30% answered that parental leave was shared between more than two adults.

When it came to the question of how parental leave legislation works for same-sex families, 65% answered well. 17% didn't leave any answer (this wasn't a mandatory question). Of the remaining answers problem with related adoption was the biggest issue (11%).

Some respondents chose to elaborate on the legislation question. Answers were all in Swedish and the translations are my own: "It was incredibly stressful to not be considered a legal guardian in Sweden when we had a court order from the US that we were parents. Even if we both stand as parents on the birth certificate and have a court order stating we are the child's parents, we still had to apply for related adoption in Sweden.", "Some things concerning Försäkringskassan are confusing. They write about rules for adoption but these do not apply to related adoption. We couldn't use doubledays because the related adoption took too long time and when the adoption finally came through the child was almost a year and we didn't have the opportunity (or need) to be at home together."

3.3 Interviews

The interviews were all held in Swedish and all translations are my own.

The first question for the interviews were how long the couple had been a couple before they decided to have children. The assumption made was that since it is more difficult to conceive or adopt a child the decision to become parent's takes longer. This could also be a factor that explains the equal sharing of parental leave. A couple that has lived together for a prolonged time has had time to discuss these matters and have routines for sharing household work equally.

The average time the same-sex couples in the interview had been a couple before

becoming parents were 4.4 years. For heterosexual couples the average time of living as a couple before coming parents is just over three years (SCB, 2012c). This shows that same-sex couples have been a couple around 25% longer than heterosexual families.

Factors that are important for how the parental leave is divided are breastfeeding, economy and work. “I was studying and my wife was a human resources manager” said one respondent. Another couple consisted of one Swedish parent and one Danish and the countries have different rules for parental leave. “In Denmark, the other parent most often don’t take more than four months of parental leave.” The difficulty in legislation and economy were important reasons for that family. One interviewed family shared their parental leave on three parents: first the mother, then the non-biological father and finally the biological father. “The mother wanted to start since she was breastfeeding. The non-biofather wanted to attach early and the biofather could wait until last, which connected to his vacation”. They shared their parental leave like two families where the mother took half and the fathers took half of the parental leave. For a family with two men and a surrogate mother it was more difficult “We trusted generous employers and our own savings for the first months before the biological father got legal guardianship of the child. This is needed for the right to parent's allowance and parental leave. Thereafter the biofather could easily transfer parental leave days to the non biofather until the related adoption came through (around 9 months after the child was born). Once the adoption came through he got his own parental leave days”. One interesting answer came from a couple that said “It was important for us to share reasonably equal but we took into aspect how things were at work and how we felt at the time. Finally, we ended up with a 60/40 division.”

Most of the respondents to the first survey answered that legislation worked satisfyingly for same-sex couples and if it didn’t it was mostly the rules around related adoption that needed changing. This was also confirmed in the interviews. “Rules should be the same as for heterosexuals so that a married couple automatically becomes parents and doesn’t have to adopt.”, “You shouldn’t have to adopt your own child. Make this process easier by just signing the papers”. And the legislation is too rigid for families with more than two parents. “It should be able to have more than two legal guardians and Försäkringskassan should get more knowledge about families with more than two parents since we had to search for long before getting answers about our rights.”

The final question was perhaps the most controversial one and this is something already

shown in the debate (see 2.3 Political goals). Some of the voices from the interviews also showed that this is much of a binary question where you are either pro or con. Some of the voices were “I am all for equal sharing!”, “It is good to force an equal share through legislation because then it will become more equal in practice” and “I think the families should decide this themselves. I think that some families will have trouble using all days of parental leave due to work and economic reasons.”

One respondent had a thought about how legislation might even be worse for the children “I don’t think the child gets the same relation with both parents, just because the parents take the same amount of parental leave. A forced parental leave where a parent feels stress over economy or not being able to be at work can make attachment hard. I think you can get a better attachment with the child if you can be relaxed and are here and now. Salaries and work contracts is probably a better way to go.” And the opposite response came from another respondent “My strong conviction is that the more equal the parents share parental leave and time with the children, the better the relation gets to both parents. Since it is not an equal share today it requires legislation to force this through.”

4 Discussion

The political aim when it comes to parental leave has been to get fathers to stay at home more with their children. This has led to legislation changes reserving first one month, then two and recently three months for each parent. These changes have led to an increase in fathers staying at home, but far from the equal share that is the political aim. There has for the last couple of years been discussions of extending the state's division of parental leave even further and go for an individualization of the parental insurance. 240 days would go to each (of two) parent and be non-transferable. Even if the basic thought behind a legislation that forces equality in all areas is thrilling it would lead to absurd realities. If no occupation could hold more than 60% of a biological sex then for example a lot of women would be kept out of the midwife occupation and men would instead be allocated into the profession. Without questioning the heroic work that all midwives do, no matter which sex would mother's to be really want a male midwife? Equality goals in percentage means that people's freedom is only respected as long as not a majority of either sex choose the same.

Even if the law around parenting has evolved over the last years it is still old fashioned and constructed on Christian values, as in the example that parents need to be married to speed up the process of being a legal parent in a same-sex family. On the other hand, it is shown that parenthood for lesbian couples is regulated in Föräldrabalken and poses no trouble, as long as the IVF is done in Sweden. For families that conceive outside of Sweden or consist of more than two parents it is still difficult. When same-sex families are asked about how the legislation works it is the rules and process around related adoption that raises trouble. In a heterosexual relationship both parents can get economic compensation for parental leave from the day the child is born, while a same-sex couple can have one parent without compensation for six to ten months. In reality this also reduces the possibility to be at home with your newborn child.

On the other hand, the legislation is from the beginning written as protective for the mother of a child. Far too often has the father bailed out during pregnancy and it has been important for society that the father is found and made responsible for the child. This process stays the same in same-sex couples with anonymous donors and thereby prolonging the time before related adoption process can start.

When heterosexual couples negotiate, and decide how they will divide the parental leave

between them there are some important factors that affect this. Economy and work are the most important factors, but also other factors like education and where you live matters. Heterosexual families that share equal often have a mother who earns slightly more than the father and where both have higher education. For the same-sex couples in this study factors why they shared equally were not as clear. At least they didn't see a reason themselves and rather stated "It was obvious that we should share equally". This could be because they have been a couple longer than heterosexual couples and thereby already share household work equally. It could also be because of what Dienhart (1998) refers to as the parenting dance, where a woman let's go of responsibilities to a man, who she feels perhaps is not as suitable as caretaker. With two women, or two men as well, the perhaps unconscious, prestige doesn't have to be an issue since they are both equal partners. It is shown in the theory section that parents who have equal pay increases the probability for equal share (2.5 The equal parents). There is a wage gap between men and women and in 2016 women had 86% of men's wages (SCB 2016). This could mean that same-sex couples are closer to each other in wage and therefore contributes to a more equal share of parental leave.

Those who had a thought about why they divided like they did also said that economy and work were important. One thing that separated the same-sex couples interviewed from reports of heterosexual families were that breastfeeding was lifted as a factor. It is unclear if this is a factor that stands out for same-sex couples or if it is so obvious for researchers of heterosexual families that it is not mentioned. Breastfeeding doesn't have to be a factor for the division of parental leave, as shown in the theory section. The other parent can bottle feed with the carrying mother's milk and thereby share parental leave from day one.

5 Conclusion

The two main questions for this thesis are *How does parental leave legislation work for same-sex couples?* and *How do same-sex couples decide to share parental leave?*

The study is made on a small population and with the risk of bias as discussed in the method section. Therefore, no conclusions for Sweden or the LGBT-community as a whole can be made. The answers to the questions rather give an indication of how it seems to be.

The answer to the first question is that it actually works pretty well. Only 18% of the respondents in the survey thought that there were problems with the legislation. This is also something that is confirmed with the discourse analysis of the current legislation.

For the second question, it is clear that the most important factors, just as for heterosexual couples, are economy and work. The survey found that same-sex parents share parental leave more equally, both for female and male same-sex couples, but then the interviews couldn't manage to find clear factors to why it is so.

5.1 Further research

This study doesn't quite manage to zone in on the real reasons why same-sex couples seems to be sharing parental leave more equally than heterosexual couples. Perhaps other research methods and/or larger selection of respondents could go deeper into the reasons.

Something that is also outside of the scope of this study is how same-sex couples are treated in schools, healthcare and other official institutions. One comment from the interview suggested that this is a troublesome area "It is good that some places are LGBT certified, for instance Folk tandvården. This actually makes that it becomes a regular dentist visit, without reactions to that we are two mothers and get weird comments. It is obvious when it works and doesn't work in different places."

References

- Aftonbladet. 2008. *Lesbiska är mer jämställda*. [ONLINE] Available at: <http://www.aftonbladet.se/wendela/familj/article11456192.ab> [Accessed 4 May 2017].
- Alsarve, J & Boye, K. 2012. *Inte bara jämställdhet: Beslutet om föräldraledighet, moderskaps- och faderskapsideal och idéer om barns bästa*. Sociologisk Forskning, 49(2), p. 103-128.
- Becker, G. 1993. *A treatise on the family*. Harvard university press
- Broberg, A., Granqvist, P., Ivarsson, T., & Risholm Mothander, P. 2006. *Anknytningsteori. Betydelsen av nära känslomässiga relationer*. Stockholm: Natur och Kultur.
- Butler, J. 1988. *Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory*. Theatre Journal, Vol. 40, No. 4 (Dec., 1988), pp. 519-531
- CEDAW/C/SWE/CO/8-9. Committee on the Elimination of Discrimination against Women. 2016. *Concluding observations on the combined eighth and ninth periodic reports of Sweden* [ONLINE] Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/066/41/pdf/N1606641.pdf?OpenElement> [Accessed 14 May 2017].
- Dahlin, S, Lauri J, Tenor C. 2012. *Det löser sig jämt: om föräldraledighet och jämställdhet i vardagen*. Stockholm: FOFF - Forum för feministiska föräldrar
- Denscombe, M. 2014. *The Good Research Guide : For Small-scale Research Projects*. Maidenhead, Berkshire: McGraw-Hill Education
- Dienhart, A. 1998. *Reshaping Fatherhood: The Social Construction of Shared Parenting*. Thousand Oaks, Ca: Sage Publishing Inc.
- Foucault, M. 1982. *The subject and power*. Critical Inquiry, vol. 8, No 4. p. 777-795.
- Försäkringskassan. 2013. *De jämställda föräldrarna*. Socialförsäkringsrapport 2013:8 [ONLINE] Available at: https://www.forsakringskassan.se/wps/wcm/connect/8ec6c929-6f18-4e81-831f-cd4dbbaca98e/socialforsakringsrapport_2013_08.pdf?MOD=AJPERES [Accessed 3 May 2017].
- Gay and Lesbian Health Victoria. 2010. *Introducing rainbow families: a guide for early childhood services*. [ONLINE] Available at: http://www.glhv.org.au/files/Introducing_rainbow_families.pdf [Accessed 11 May 2017].
- Gunnarsson, Å, Svensson, E-M, Davies, M. 2007. *Exploiting the limits of law*. Farnham: Ashgate publishing limited

- Harrison, C. 2007. *Tip sheet on question wording*. [ONLINE] Available at: https://psr.iq.harvard.edu/files/psr/files/PSRQuestionnaireTipSheet_0.pdf [Accessed 21 May 2017].
- HBTQFamiljer. 2017a. *Assisterad befruktning*. [ONLINE] Available at: <http://www.hbtqfamiljer.se/bli-foralder/assisterad-befruktning/> [Accessed 3 May 2017].
- HBTQFamiljer. 2017b. *Faderskapsutredning*. [ONLINE] Available at: <http://www.hbtqfamiljer.se/bli-foralder/adoption/narstaendeadoption/faderskapsutredning/> [Accessed 12 May 2017].
- Hekman, S. 2014. *Radical Feminism and the Relational Self* in: The Feminine Subject, Polity Press: Cambridge.
- Hökmark, I. 2016. *Delad föräldraförsäkring är en ofrihetsreform*. [ONLINE] Available at: <https://www.dagenssamhalle.se/debatt/delad-foeraeldrafoersaekring-aer-en-ofrihetsreform-28884> [Accessed 15 May 2017].
- Johansson, W. 2014. *Jämställd föräldraförsäkring*. [ONLINE] Available at: http://www.riksdagen.se/sv/dokument-lagar/dokument/motion/jamstalld-foraldradorsakring_H20284 [Accessed 5 May 2017].
- Jänterä-Jareborg, M. 2006. *Parenthood for Same-sex couples: Challenges of Private International Law from a Scandinavian Perspective*. in Liber Memorialis Petar Šarčević, Universalism, Tradition and the Individual. München: Sellier. European Law Publishers GmbH
- Kvale, S. 1997. *Den kvalitativa forskningsintervjun*. Lund: Studentlitteratur.
- LO, 2016. *LO vill ha individualiserad föräldraförsäkring*. [ONLINE] Available at: http://www.lo.se/start/pressmeddelanden/lo_vill_ha_individualiserad_foraldradorsakring [Accessed 5 May 2017].
- Lundgren, K-H. 2013. *En delad föräldraförsäkring*. [ONLINE] Available at: <http://www.s-studenter.se/partikongressbloggen/2013/03/06/en-delad-foraldradorsakring/> [Accessed 15 May 2017].
- Lykke, N. 2010. *Feminist studies: A guide to intersectional theory, methodology and writing*. New York: Routledge
- Mackenzie, C., McDowell, C. & Pittaway, E. 2007. "Beyond 'do no harm': The challenge of constructing ethical relationships in refugee research." *Journal of Refugee studies* 20(2): 299-319.
- MacLeod, S. 2009. *Attachment theory*. [ONLINE] Available at: <https://www.simplypsychology.org/attachment.html> [Accessed 15 May 2017].

- Ohlsson, C & Alkurdi, T. 2015. *Låt föräldrarna dela på ansvaret - individualisera föräldraförsökringen*. [ONLINE] Available at: <http://www.metro.se/artikel/1%C3%A5t-f%C3%B6r%C3%A4ldrarna-dela-p%C3%A5-ansvaret-individualisera-f%C3%B6r%C3%A4ldraf%C3%B6rs%C3%A4kringen-xr> [Accessed 5 May 2017].
- Regeringen. 2016. *Mål för jämställdhet*. [ONLINE] Available at: <http://www.regeringen.se/regeringens-politik/jamstallldhet/mal-for-jamstallldhet/> [Accessed 5 May 2017].
- Riksförsäkringsverket. 2002. *Spelade pappamånaden någon roll?* [ONLINE] Available at: https://www.forsakringskassan.se/wps/wcm/connect/3a67ae6e-6db5-498a-a929-1650c0c072f8/analyserar_2002_14.pdf?MOD=AJPERES [Accessed 5 May 2017].
- Roman, C. 2008. *Academic discourse, social policy and the construction of new families*. In Wetterberg, C C, Melby, K and Ravn, A-B (eds.) *Gender Equality and Welfare Politics in Scandinavia*. London: Policy Press.
- Rosengren, K E & Arvidsson, P. 2002. *Sociologisk metodik*. Malmö: Liber.
- SCB. 2012a. *Fler kvinnor än män ingår samkönade äktenskap*. [ONLINE] Available at: http://www.scb.se/sv_/Hitta-statistik/Artiklar/Fler-kvinnor-an-man-ingar-samkonade-aktenskap/ [Accessed 29 April 2017].
- SCB. 2012b. *Sambo, barn, gift, isär?* [ONLINE] Available at: http://www.scb.se/statistik/_publikationer/be0701_2012a01_br_be51br1201.pdf [Accessed 3 May 2017].
- SCB. 2012c. *Vanligast att hon flyttar in hos honom*. [ONLINE] Available at: http://www.scb.se/sv_/Hitta-statistik/Artiklar/Vanligast-att-hon-flyttar-in-hos-honom/ [Accessed 15 May 2017].
- SCB. 2016. *Kvinnor har lägre lön, inkomst och pension än män*. [ONLINE] Available at: http://www.scb.se/sv_/Hitta-statistik/Statistik-efter-amne/Levnadsforhallanden/Jamstallldhet/Jamstallldhetsstatistik/12252/12259/Behallare-for-Press/406481/ [Accessed 22 May 2017].
- Sibley, C. G., & Overall, N. C. 2007. *The boundaries between attachment and personality: Associations across three levels of the attachment network*. *Journal of Research and Personality*, No. 41, p. 960-967.
- Socialdepartementet. 2005. *Reformerad föräldraförsäkring - Kärlek, omvårdnad, trygghet* SOU 2005:73
- Stewart, M.N. 2005. *12th World Conference of the International Society of Family Law* at Salt Lake City, USA

Svensson, E-M & Gunnarsson, Å. 2012. *Gender Equality in the Swedish Welfare State*, *feminists@law*, Vol. 2, No 1

TCO. 2017. *Jämställdhetsindex*. [ONLINE] Available at: <https://www.tco.se/var-politik/Jamstalldhet-och-mangfald/jamstalldhetsindex/> [Accessed 3 May 2017].

Vetenskapsrådet. 2002. *Forskningsetiska principer inom humanistisk-samhällsvetenskaplig forskning*. [ONLINE] Available at: <http://www.codex.vr.se/texts/HSFR.pdf> [Accessed 3 May 2017].

Appendix A

Questionnaire sent out over social media

Gender of respondent:

Male

Female

Other

Gender of partner:

Male

Female

Other

Are you and your partner married?

Yes

No

How has the child entered the family?

IVF

Adoption

We had a child with another same-sex couple

Child from previous relationship

Surrogate mother

How have you divided the parental leave?

One partner has taken all the parental leave

One partner has taken around 75-99% of the parental leave

One partner has taken around 51-74% of the parental leave

We have shared equally

We have been more adults sharing the parental leave

How has the legislation around parental leave worked for your family?

Free text

Are you interested to participate in an interview?

Yes

No

Appendix B

Wordlist

| | |
|-------------------|--|
| Försäkringskassan | Försäkringskassan is a government authority that pays out money to individuals in various situations. |
| Doubledays | Both parents can stay at home together and get parental benefit for a maximum of 30 days, using up 60 days of parental leave. |
| Carrying mother | The woman who is conceived and carries the child. |
| SCB | Statistiska centralbyrån performs data gathering and interpretation of data over several areas of life in Sweden. It is an official source of statistics |
| Common law wife | 31% of Swedish families are married and then around 14% are “sambo” or common law wife/husband |
| IVF | In Vitro Fertilization or insemination is the most common form of conceiving a child for female same-sex couples. |