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# 8

## CHANGES IN FAMILY DIVERSITY IN SWEDEN

### Opportunities, constraints and challenges

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#### **The cultural and policy context of doing family**

Swedish family policy has been celebrated as a paradigm of gender equality and the gold standard for policies enabling father's involvement in care. It has also been criticized for denying families agency and choice. We present a more nuanced account by engaging with the legal barriers in recognizing diversity in families and the challenges that remain.

Historically, three distinctive features of the Swedish welfare state have been central in shaping laws, discourses and policy practices related to family diversity: (1) the framing of gender equality; (2) the construction of fatherhood; and (3) the mother/father binary in heteronormative parenthood.

Beginning in 1917, Swedish family law formalized the paternity of fathers of children born outside of marriage by denying them the right to remain anonymous, in contrast to other countries. This legal change, which sought to reduce the financial burden on municipalities, had little effect. Nevertheless, having a known biological father became a central tenet in Swedish family law and continues to be salient in the context of increasingly diverse family forms. Another principle established in the marriage code of 1920s was that both parents have economic responsibility for the care of their children. This principle was reverberated in the specific policies and practices in the Swedish dual-earner model that took shape in the 1970s.

The 1970s was a transformative decade with 74 government commissions addressing marriage and family law and policy. Sweeping changes were recommended to recognize diversity in families and gender equality (Florin & Nilsson, 1999). Increasing number of couples forming cohabitant unions was reflected in legal changes removing distinctions between married and cohabitant couples and children born to married and unmarried parents. There is no formal definition

of what constitutes a family in legal documents. Nonetheless, the above legal changes constituted, in fact, a recasting of the notion of what is a family, framed in a new discursive and policy landscape that assumed: (1) that policy should be neutral in relation to family forms and (2) that how parents organize their relationship should not affect their rights and duties to their children (SOU, 1972:41).

This blurring of boundaries between marriage and cohabitation paved the way for greater diversity in family forms in an era of rising divorce, re-partnering, stepfamilies, and increasingly complex family constellations, although the privileged position of the biological father remained.

From the 1970s onwards, doing family became intertwined with doing gender. The laws, policies and discourses that emerged in this decade became the foundation for the Swedish model of the dual-earner, dual-carer family (Hobson, 2004; Korpi, 2000). Policies to promote this model extended into multiple domains, including individualized taxation, the end of marriage subsidies for a dependent spouse, generous publicly supported daycare provision, and the world's first gender-neutral parental leave policy that allowed fathers to participate in the care of their children during the first years (Ferrarini & Duvander, 2010). The parental leave policy, one of the most flexible and generous, did not specify which parent should take leave or whether some of this leave should be reserved for the father. It took more than 20 years to enact a law that mandated non-transferable months of leave to each parent, now at three months.

Fathers' increasingly active role in daily care of their children, reflected in their share of the leave (since 2018 about 30%), has also had an effect on fathering practices after separation and divorce. Joint custody became the norm during the 1990s. The courts enforced this principle in rare cases when parents disagreed over custody. The joint custody default re-enforces the position of the biological father. Even if he has played no role in the child's upbringing and had little contact with his child, he can at any time make claims for joint custody (Bergman & Hobson, 2002). This stipulation placed the stepfather in legal and social limbo. He had no financial obligations to support non-biological children in the family nor did he have any right to have contact with them after divorce, no matter how many years he had been the caring father in everyday life. This has remained unchanged in Swedish family law.

Shared physical (residential) custody has increased dramatically in the last decade, reaching 35–40% (Fransson et al., 2018), the highest among European countries. This has also led to a significant recent policy change beyond the law on parental leave (SFS, 1995:584<sup>2</sup>) that allowed the transfer of leave to spouses after remarriage or if the biological parent and his/her new partner had a joint child together. Since July 2019, biological parents can transfer portions of their share of the leave to cohabitating partners and spouses without a birth child requirement. Embedded in this change is the recognition that there can be four persons parenting in a family. Still, these entitlements given to social parents are derived from their relationship with the biological parents and do not enable them to have rights to contact with children after divorce or separation.

Recognizing sex-gender minority (SGM) families under Swedish law has not been straightforward; sometimes Sweden appeared as a trailblazer; other times as a laggard. Full recognition of the diversity in LGBTQA+ families is a goal not yet achieved. Homosexuality was de-criminalized in 1944; however, it was listed as a mental disorder until 1979 when the National Board of Health and Welfare ceased to classify it as an illness. Same-sex couples were not included in laws regulating property during cohabitation until 1987 (SFS, 1987:813<sup>3</sup>).

Sweden was among the first countries in Europe to recognize same-sex partnerships (1995) and allowed parents in same-sex couples to adopt children (2003). However, the Marriage Code was not amended to include same-sex marriages until 2009. Soon thereafter, the non-birth mother in a lesbian couple could be registered as a legal parent (Malmquist, 2015). This legal change involved two foundational principles: the presumption of paternity (that the father who conceived the child is the parent) and the primacy of biological fatherhood. Under Swedish law, a child can only have two legal parents so that recognizing the non-birth lesbian parent is an example of how the marriage law had to become gender-neutral (Ryan-Flood, 2009).

Sweden has the longest legal timeline with respect to transgender law and parenthood. It was the first country in the world to allow persons to legally change their gender (SFS, 1972:119<sup>4</sup>). However, this required the person to be a Swedish citizen, unmarried, and infertile, and consequently, to divorce if married and to undergo sterilization. This model was later adopted in many other countries. The sterilization requirement remained until 2013 when the Swedish high court ruled that forced sterilization violated human rights. Five years later, the Swedish government recognized this infringement of basic human rights in the law by compensating transgender individuals who had undergone mandatory sterilization in order to have their sex legally reassigned (SFS, 2018:162<sup>5</sup>).

Recognizing diversity in transgender families has stretched the limits of the binary framework of gender and parenthood in family law (Johnson & Mägi, 2021). Transgender families challenge how paternity is established in diverse family forms and who is assigned to be the father or the mother before and after birth. Moreover, adapting the Swedish parental code to comply with a recent European Court of Human rights decision poses other challenges (Zadeh, 2016). This requires that gender reassignment include the right to keep one's previous gender identity private, which until recently was not possible for transgender parents.

## Empirical patterns of various family forms

To study partnership trends in Sweden, we can rely on vital statistics providing precise information on marriages and divorces but not on non-marital cohabitation because there is no legal requirement to register such relationships. The latter can be traced in population registers for couples having children together, but the Census and large-scale surveys are the only sources that provide reliable information on cohabiting relationships without joint children until 2011. Vital

statistics on registered partnerships are available at Statistics Sweden from 1995 onwards. Since 2009 when marriage became gender-neutral, registered partnerships cannot be formed anymore in Sweden. However, information on same-sex marriages (including those ending due to the death of a partner or divorce or separation) is available in relevant vital statistics.

### **Union formation and dissolution**

Between the late 1960s and early 2000s, Sweden continually had the lowest marriage rates in Europe, even in comparison to other Scandinavian nations. The only exception was a temporary boom in 1989 due to changes in the widow's pension rules, which prompted many couples to marry. A 'marriage revival' during the first decades of the 2000s resulted in higher crude marriage rates in 2018 than at the turn of the century (Table 8.1), even exceeding the EU average.

Despite these trends, the decision to enter into marriage has been increasingly postponed in Sweden, reaching the ages well into the thirties in the 2000s, the highest in Europe. Comparing these figures with the mean age at first birth along with the proportion of non-marital births (Table 8.1) reveals that the traditional

**TABLE 8.1** Selected demographic indicators for Sweden, 2000 and latest available data

	2000	Latest available data	
Crude marriage rate	4.5	2019	4.7
Mean age at first marriage			
of women	30.5	2019	33.9
of men	33.1	2019	36.3
Crude divorce rate	2.4	2019	2.5
Remarriage rate			
of women	5.7	2018	7.5
of men	5.7	2018	6.9
% of adults >15 never married			
of women	26.8	2019	31.2
of men	33.7	2019	37.5
Total fertility rate	1.54	2019	1.70
Mean age at first birth			
of women	28.2	2019	29.6
of men			
% non-marital births	55.3	2019	54.5
% of women aged 40 who have born no children	14	2019	13
% of women aged 45 who have born no children	12	2019	13
<b>Cohorts</b>	<b>1950</b>		<b>1970</b>
Completed fertility/cohort	1.99		1.88

Sources: Eurostat; Statistics Sweden.

family formation patterns have been increasingly replaced from the mid-/late 1970s onwards, with young adults cohabitating first and having their first and sometimes second child before marriage. The proportion of persons being never married is not negligible in Sweden (Ohlsson-Wijk et al., 2020).

Along with the growing prevalence of non-marital unions, the instability of marriages has become an increasingly important aspect in the emerging family diversity. The risk of divorce rose considerably in Sweden in 1974 as a consequence of one of the most liberal divorce laws in the world, which grants immediate divorce without cause if the couple agrees and has no minor children. Otherwise, there is a six-month waiting period (Ohlsson-Wijk et al., 2020). In the 1980s and 1990s, the rising trends to divorce applied particularly to parents, but no further increase has been noted in the 2000s. Looking at both marriages and cohabiting unions reveals an overall levelling-off in partnership instability, with slightly more than one-half of all couples breaking up within 15 years from the 1980s onwards (Ohlsson-Wijk et al., 2020). The share of children whose parents separated before the child turned 15 remained at about 30%. As for remarriages, the increasing trends of the 1970s reversed in the late 20th century, followed by a slight increase only among women with children. The propensity to form a higher-order marriage for divorced persons and widows/widowers remained low in the 2000s.

In the mid-/late 1990s, the prevalence of registered same-sex unions was about 5 new registered partnerships to every 1,000 new different-sex marriages (Andersson et al., 2006), and male couples vastly outnumbered female couples. Female same-sex union formation has, however, increased about six-fold a year between 1996 and 2012, compared to male couples, which have doubled (Kolk & Andersson, 2020). In any event, same-sex partnerships, especially female couples, have been considerably less stable than traditional marriages. Among childless couples, male same-sex unions are the least likely to end in divorce, even less so than different-sex marriages without children (Kolk & Andersson, 2020).

### ***Fertility patterns***

Total fertility rates fluctuated greatly in Sweden since the 1960s. This relates to higher female labour force participation, business cycle changes and the success of family policies in mitigating the opportunity cost of childbearing while parenthood has been increasingly delayed (Oláh & Bernhardt, 2008). In the 1990s, fertility declined rapidly from the replacement level to the lowest levels ever measured in the country. After fertility started to climb in the 2000s (Table 8.1), it decreased again slowly since 2010. The proportion of women who had no children by age 50 remained rather stable (13–14%), accompanied by cohort fertility levels at about two children per woman on average. There is a strong two-child norm in Sweden, and one-fourth of women have three or more children (Oláh & Bernhardt, 2008; Statistics Sweden, 2020a). Childbearing in same-sex partnerships was rather uncommon prior to the legal changes of the early 2000s but has

become comparable in female couples and in different-sex partnerships in recent years. The contribution to fertility levels due to ART is nearly 4% of all newborns annually in more recent years (Statistics Sweden, 2021a).

### *Changes in household composition and living arrangements*

With respect to living arrangements, the share of married couples decreased somewhat in the 2000s, from 45% to around 40%, while the proportion of cohabiting remained stable, close to 20% in the adult population (Table 8.2). Marriage is a living arrangement for more mature ages, seen in the low proportions of married couples even at ages 25–34. The proportion of adults still living in the parental home nearly doubled over the first decades of the 2000s, reaching almost 8%. Below age 25, this is the most common living arrangement. We see a slight decline in people living alone among all adults, especially at ages 18–24.

The share of one-parent families remained quite stable in the early 21st century. This living arrangement is very rare in the youngest age group, around 1%, and three times as large at ages 25–34. Indeed, the path to single motherhood via teenage childbearing is negligible in Sweden. Couples become parents in their later 20s or later, and they are less likely to dissolve their union when their children are very young (Oláh & Bernhardt, 2008). Partnership breakups in turn contribute to the slight increase in complex multi-person living arrangements (to 6.3% among adults), while multi-generational families remain uncommon.

Regarding households, we have no information for the first years of the 2000s. The dwelling register, established in 2011, allows us to address the composition of households in the late 2010s (Table 8.3). The largest category, comprising nearly 40% of all households, is living alone, which is especially common at older ages. One-person households also include a not-insignificant proportion of individuals in living-apart-together relationships (Oláh et al., 2021). Different-sex married couples (12% with minor children and 19.4% without) comprise nearly

**TABLE 8.2** Population in living arrangements in Sweden, 2002/2003 and latest available data

% of persons are living	2002/2003			2018		
	Total	Age 18–24	Age 25–34	Total	Age 18–24	Age 25–34
With spouse	45.0	2.4	24.6	39.7	2.1	21.7
With partner	19.3	19.0	40.9	18.4	13.9	32.5
Child of householder	4.3	46.3	2.8	7.8	54.6	9.5
Alone	25.1	26.5	25.4	22.8	17.6	21.7
Alone with child/ren	5.0	1.2	4.4	4.9	0.8	3.7
with another person(s)	1.2	4.6	1.8	6.3	10.9	10.7
Unknown	0.0	0.0	0.0	0.2	0.1	0.2

Source: For living arrangements in 2002/2003: EU-SILC/ULF, whereas SCB dwelling register is the source for all information in 2018

**TABLE 8.3** Households in Sweden, latest available data

<i>% of households consist of</i>	<i>2018</i>
Different-sex spouses	
with kids <18	11.9
w/out Kids <18	19.4
Different-sex partners	
with kids <18	7.1
w/out kids <18	7.8
Mother only with kids	5.1
Father only with kids	1.8
Same-sex couple	0.1
One person living alone	39.5
Other multiperson households	7.4

*Note:* No data for 2000.

*Source:* SCB dwelling register.

one-third of all households, whereas the joint share of unmarried couples with and without children is 15% (their proportions are nearly equal, slightly above 7%). Same-sex couples represent 0.1% of all households. The shares of one-parent households and other multi-person households are nearly equally large (around 7%). Mother-only households vastly outnumber father-only households (5.1% versus 1.8%).

## Current empirical research on the various family forms

### *Reconstituted families (stepfamilies)*

The vast majority of parents raise only their biological or adopted children in Sweden. However, about 2% of mothers and 4.5% of fathers also have stepchildren or foster children, and 1% and 2.5% respectively have only stepchildren or foster children (Statistics Sweden, 2020b). Such family complexity is usually linked to union dissolution: around one-fifth of first-born children experience the separation of their parents before they enter school (Duvander & Korsell, 2020). Nevertheless, three of four minor children live with both their biological parents. Among those who do not, about 40% have shared residential custody (Statistics Sweden, 2021b), in which the child spends nearly equal amounts of time in either parent's home. Regarding the children who live with one biological parent, 40% have a stepparent and nearly one-tenth have two stepparents (Statistics Sweden, 2021c), as both the mother and the father entered new co-residential unions.

Research shows that the doing of family does not change crucially for separated parents in Sweden; rather, they continue to share care responsibilities (Duvander & Korsell, 2020). Although parents take fewer parental leave days

after separation than parents who live together, this is mainly due to economic constraints, given that the amount of the parental benefit is somewhat less than 80% of a full salary and separated parents are usually worse off financially than co-resident parents. Separated fathers are, however, as likely to use longer leave over two months, as non-separated fathers (Duvander & Korsell, 2020).

Parental engagement with a child after union dissolution is further reinforced through shared residential custody. Scholars demonstrate in numerous studies the positive impact of such arrangements on child well-being in contrast to living full time with one parent, often the mother (Fransson et al, 2018; Turunen, 2017). Such beneficial outcomes are found also with a stepparent present in one or both homes (Fransson et al., 2018). As highlighted by Thomson and Turunen (2021), shared residential custody should be considered a new family form as it provides a unique context for fulfilling gender-equal parental obligations sequentially rather than simultaneously. When the child resides with one parent at a time, family members across multiple households are involved in a constant negotiation to optimize the arrangement.

### ***One-parent and cohabiting families***

As in most countries and noted above, single-parent mother households comprise the majority of one-parent families. Hobson and Takahashi (1997) and Hobson (2004) have highlighted the disadvantage of single mothers within Sweden's dual-earner/dual-carer model. Using Luxembourg Income Study data for the 1990s, they showed that single mothers tended to be in full-time employment, although they would have fallen into poverty without the social transfers for low-income families. Current research shows that single mothers' situation has worsened in the last decades: they work less than married mothers, are more likely to be unemployed and have a poverty rate three times higher than couples with children (Nieuwenhuis, 2021). Alm et al. (2020), controlling for a range of individual-level variables, maintain that continuous declines in income replacement for unemployment and stricter entitlements have affected one-parent households adversely.

The universalist framework of the Swedish welfare state does not permit targeting specific groups for specific benefits. That single mothers as a group have not been stigmatized is a positive effect of this principle. Nieuwenhuis (2021) underscores the need for specific benefits for single mothers, who, even when employed, do not have adequate earnings. Single mothers can vary by education and income, although in Nordic countries the low educated women are more likely to become and remain single parents (Härkönen & Dronkers, 2006). Single mothers can also differ in terms of time poverty and care responsibilities with the shared residential custody a salient factor.

Unlike many other countries, cohabiting families differ little from married families in Sweden where cohabitation has become the first step of the family career and marriage comes after the birth of the first or second child

(Oláh & Bernhardt, 2008). Thus, in recent research on families in Sweden, married and cohabiting couples are often analysed together. Although consensual unions have remained more fragile, parenting practices are very similar to those in marriages, for example, married and cohabiting fathers devote the same amount of time to childcare in Sweden (Ono & Yeilding, 2009).

### ***Sex gender minority families (SGM)***

Beyond legal achievements regarding SGM families, Sweden is considered a society that is highly tolerant of diverse family forms and supports LGBTQA+ rights. These values are mirrored in social institutions, in ruling political parties, and in social media. Attitudinal surveys at the European level and in the World Values Survey place Sweden either first or second compared to other nations with respect to measures of tolerance. For instance, there is strong agreement with the statements: ‘gay men and lesbians should be free to live their own life as they wish’ and ‘a same-sex couple can bring up a child as well as a male-female couple’ (Takács et al., 2016).

There is a dearth of quantitative data on same-sex marriages. In Nordic countries, demographers using excellent register data have been able to trace family dynamics, family formation, and divorce over time. Swedish demographers have been at the forefront of this research. Kolk and Andersson (2020) focus on how different policy changes with regard to same-sex marriage, divorce, and childbearing have affected same-sex families over two decades. Same-sex registered couples did not tend to switch to marriage after the marriage code became gender-neutral. This is not surprising given the weak normative pressures for couples to marry in Sweden. The dramatic rise in lesbian marriages that they find reflects policy changes recognizing legal parenthood, access to medically assisted reproduction (MAR), and adoption rights. What they refer to as the feminization of same-sex marriage dynamics represents a pattern in LGBTQA+ research: women are much more prone than men to both enter and dissolve same-sex marriages. Qualitative studies also have engaged with similar policy changes that have influenced same-sex couples’ choices in family formation.

Ryan-Flood’s pathbreaking comparative qualitative study of lesbian mothers in Sweden and Ireland (2009, p. 20) takes as its point of departure that institutional contexts shape reproductive choices available to lesbian women. In the Swedish case, she found that lesbian mother families reflected the cultural coding of biological fatherhood in law and discourses on participatory fathering. These were mirrored in their preferences for a father donor (most often a gay man) who would be involved throughout the child’s upbringing. She refers to this as a three-way shared parenting model with the birth mother, non-birth mother, and father donor.

This lesbian shared parenting model has waned with the expansion of choices for family formation through MAR and recognition of lesbian parenthood in a changing sociopolitical landscape. Nevertheless, Flood’s theoretical insights on

LGBTQA+ and diverse family forms have influenced research on lesbian families, specifically her emphasis on how institutional cultural context can enable and hinder same-sex couples' choice in family and parenting. This has been the focus of much of Swedish research on lesbian parents' family formation and gay male couples' pursuit of fatherhood.

Anna Malmquist and colleagues have taken the lead in this research with respect to policy changes giving lesbian couples access to IVF in public health clinics. Based upon qualitative interviews, Malmquist et al. (2016) find that many lesbians did not avail themselves of public services but rather chose private services in clinics abroad where the donor's identity can remain anonymous. However, there are consequences to this choice: the non-birth mother in the couple cannot obtain legal parenthood without a known donor and she risks losing contact with the child after divorce.

For gay couples, the pursuit of fatherhood is impeded by legal constraints and discrimination by social agencies and adoption agencies (Andreasson & Johansson, 2017). The laws on same-sex couples' right to adopt included male same-sex couples; however, this is not a route that male couples often pursue given that adoption agencies maintain that adoption-sending countries do not approve of gay couples (Malmquist & Spånberg Ekholm, 2020). Although surrogacy is illegal in Sweden, the government does not prevent gay couples from going abroad for surrogacy. To do this demands economic resources and entails uncertainties involving lawyers, clinics abroad, mothers and their families. Few couples take the risk of embarking on this path (Malmquist & Spånberg Ekholm, 2020).

Malmquist and Spånberg Ekholm (2020) offer a unique qualitative study of the experiences of 30 gay fathers who were able to navigate the difficult path of becoming parents, overcoming the lack of legal certainty and discretion of social agencies. Those who sought adoption abandoned this strategy after they were advised by the adoption centre not to apply since their application would not be prioritized. With respect to foster fathers, one couple waited for two years before their application was accepted. They have no guarantees that the child will stay with them throughout its childhood nor do they have a legal right to parental leave. Most chose a surrogate mother from abroad. Obtaining legal parenthood status for these men was arduous. For the birth father, it could take months and often much longer. For the non-birth father, it was not a possibility; the delay in recognition of legal parenthood resulted in loss of their parental leave rights because the birth mother, who nearly always is a non-citizen, could not register in the Swedish system to transfer the leave to the birth father (Malmquist & Spånberg Ekholm, 2020). Because there is no legal framework for incorporating male parenthood through surrogacy into family law on parenthood, this is decided case by case (Malmquist & Spånberg Ekholm, 2020).

Evertsson and colleagues (2020) provide a framework for rethinking the conceptual challenges that diverse families pose to welfare regime research. Previous research on welfare and gender regimes assumes a heteronormative framework of the family in which defamilization has been the standard measure of gender

quality (Hobson, 2021). Arguing for a queering of welfare regimes, Evertsson et al. (2020) introduce the concept of parentalization, which encompasses two core dimensions that are enabling for same-sex couples doing family: (1) their ability to become parents (fertility treatments) (2) and the recognition of the non-birthing parent. Mapping the differences in parentalization and parental leave rights in Sweden, Norway, Denmark, Finland and the Netherlands, the authors conclude that who can become a parent and whether their ideals of parenting can be realized challenges the heteronormativity in these Nordic legal frameworks, considered family diversity friendly.

Several scholars in Sweden have engaged with the implications of the heteronormative foundation of Swedish family law (Mägi & Zimmerman, 2015; Stoll, 2008). They argue that LGBTQA+ rights for same-sex couples, although they appear gender-neutral, are exceptions grafted onto the binary division of maternity and paternity (Mägi & Zimmerman, 2015). For instance, the parenthood status of a transgender man (W to M) was registered to be the legal mother, and a transgender woman (M to W) was registered to be the father. In tax and civil registers and tax law, transgender individuals were able to choose their legal identity. The potential for discrimination and stigmatizing effects was inherent in these complex legal statuses of assigning maternity and paternity to transgender parents that differ from their legally chosen identity (Jonsson & Mägi, 2021). In 2019, in response to new European guidelines, Sweden enacted legislation that removes these distinctions so that transparents are entitled to have their gender legal identity on all documents. A transgender man who gives birth is thus registered as the father and a transgender woman who gives sperm is the mother (Jonsson & Mägi, 2021).

### ***Adoptive and foster families***

National adoptions are mostly stepchild adoptions in Sweden (Statistics Sweden, 2018). Neither economic nor social reasons push parents to give up a child for adoption in Sweden because high female employment rates and sufficient support from the Swedish welfare state in forms of cash provision and services enable parents to raise their children themselves. Since 2013, national adoptions have exceeded intercountry adoptions as the latter decreased worldwide in the early 21st century (Statistics Sweden, 2018).

Transnational adoption has long dominated the formation of adoptive families in Sweden. Indeed, Swedes were among the top adopters in the world in the late 1990s–early 2000s, well ahead of the United States and other affluent English-speaking countries. Compared to adoption ratios (that is, the number of transnational adoptions per 1,000 live births) in the range of 0.4–6.5 in these nations, the figures for Sweden reached 10.8–11.7 (Selman, 2006). Adoptees most often came from Korea, India, China and Columbia. Transnational adoption, however, is less of an option for same-sex couples, gay men in particular, who have major difficulties in adopting because they often are not considered suitable

for parenthood by international adoption agencies. It thus took nearly 15 years for the first transnational adoption to a male same-sex couple to happen in Sweden (Malmquist & Spånberg Ekholm, 2020).

Relatively little is known with respect to the division of care among adoptive parents. Research has found, however, that in heterosexual couples, adoptive fathers take more days of parental leave in the first year after adoption than biological fathers do in the first year of their child's life (Duvander & Viklund, 2013). The explanation offered was the higher age of the child at adoption, as fathers are more likely to engage with older children even regarding their biological offspring. Moreover, research has shown that the parents' education matters for fathers' leave uptake, as highly educated parents share the care for their children to a greater extent. Adoptive parents are more likely to be highly educated; hence, they also share the care for their children more equally than biological parents on average. However, adoptive mothers still use a much larger part of the parental leave than adoptive fathers, mirroring the persistent gendered pattern of doing family in Sweden (Duvander & Viklund, 2013).

Foster families represent another research gap with respect to the doing of family in Sweden. If conditions for safe child development are lacking in the home environment, municipal social services can place a child in foster care, in line with the Social Services Act (SFS, 2001: 453<sup>6</sup>), although in cases of grave risk to the child, they are obligated to do so (SFS, 1990: 52<sup>7</sup>). In both cases, the placement in foster care is considered temporary and the biological parents' capabilities are reassessed every six months (Wissö et al., 2022). Foster parents are not eligible for parental benefits, except when caring for a sick foster child, or in rare cases, when they are given custody of the young foster child (Blomé & Espvall, 2021).

### ***Families created by medically assisted reproduction (MAR)***

MAR treatments in Sweden have increased from around 3,000 in 1992 to over 22,000 (Q-IVF, 2020). Although different-sex couples could avail themselves of ART for decades, lesbian couples and single women were denied access to IVF in publicly supported clinics. Both of these cases reveal the over-reach of the state in regulating family choice.

Single women seeking to become mothers through IVF are not a vulnerable group; they tend to have high education and well-paid employment (Volgsten & Schmidt, 2021). Yet, they were discriminated against as single mothers to be. They were the last group to be granted rights to assisted reproduction in Swedish clinics in 2016, 11 years after lesbian parents. As Lind (2019) has revealed in her study of debates surrounding single women's right to ART, the two-parent norm is embedded in the definition of the best interests of the child. In the policy debates before and after passage of the law allowing single women for equal access to assisted reproduction, she found that conflicting interpretations of the best interests of the child came into play: the need for child to have two parents

and the child's right to have access to information on the biological father and genetic origins (Lind, 2019). Given that single mothers had been using ART services abroad, the latter prevailed. Despite the change in the law, they still face discrimination in public health care clinics in which assessments of the best interests of the child prioritize two-couple families. This is evident in data showing the high proportions of single women using private clinics (Q-IFV, 2020).

Lesbian mothers could not be treated for ART at clinics covered by national health insurance until 2005. As discussed above, most often, they choose donor fathers' – men (often gay) who played an active parental role. Having access to public health services required that they agree to have a known sperm donor and inform their children of their genetic origins and biological father's identity, codified in the Genetic Integrity Act (GIA). Lesbian couples who prefer an anonymous donor continue to use private clinics abroad and argue that the GIA denies them their rights to determine their family structure or family relationships, forcing them to adapt to the normative father/mother binary (Malmquist et al., 2016). Furthermore, they maintain that having a known father would weaken the position of the non-birth mother in the family.

### **BOX: Sperm donor anonymity, biological fatherhood and the best interests of the child**

In 1985, Sweden became the first country to recognize the right of a child created by artificial insemination to know the identity of the sperm donor (SFS, 1984: 1140<sup>8</sup>). The law stated that a donor must sign an agreement that his identity could be disclosed. In practice, it only applied to heterosexual families because until 2005, only they could obtain ART in Swedish clinics. The GIA (SFS, 2006: 351<sup>9</sup>) codified the procedures of sperm donor identity: medical records had to be stored for 70 years, and counselling services were to be provided for children and families. The 'duty' of parents to inform children who are the offspring of sperm donors is more a moral than a legal obligation (Stoll, 2017) because it is not formally enforced. Heterosexual couples can ignore this pressure because the legal father of the child is known. However, when the child becomes aware that they are the offspring of a sperm donor, the parents must help a child over 18 to access relevant information. The GIA brings into focus the conflicting interests of various parties: the rights of parents to define the relationships within the family, the rights of children to know their biological fathers and the rights of Swedish sperm donors who donate sperm outside of Sweden to remain anonymous.

In Swedish law, the rights of children to know their genetic origins and biological father's identity supersede other rights. Although lesbian couples

are not prosecuted for violating GIA rules, the non-birth parent in lesbian couples does not have legal parenthood if the donor is anonymous. Whereas donors who follow GIA rules are protected from the presumption of paternity, donors who do not register their identity are not. The GIA provided scope for the presumption of paternity, seen in one recent case in which the parties involved were living in Sweden, a single mother was inseminated by a Swedish donor's sperm from a Danish clinic allowing donor anonymity, and the presumption of paternity was applied after social services learned of the donor's identity (Stoll, 2017).

### ***Multicultural and migrant families***

Transnational migration has been an important force in changing the ethnic composition of Sweden. The foreign-born population increased from 11% to 19% between 2002 and 2018; those of non-European origin comprise the vast majority of newcomers (Statistics Sweden, 2022). The share of children born in Sweden to two foreign-born parents increased from 13% to 24% over this period, while the share with one Swedish and one foreign-born parent remained at 12–13% (Statistics Sweden, 2020a). This is in line with a vast amount of research that shows intermarriages between natives and immigrants being relatively rare (Elwert, 2020; Irastorza & Elwert, 2021), reflecting the processes of segregation in Sweden, including housing, neighbourhood, schools and the labor market (Bursell et al., 2021; Malmberg et al., 2018).

The size of families including Swedish- or foreign-born parents differs. The two-child family is predominant among those with Swedish-born parents. Individuals with two foreign-born parents are more likely either to have no children or more than three children (Statistics Sweden, 2020a). Considering families with children, Andersson et al. (2017) found that daughters with African and Asian parents are 50% more likely to have three or more children than those with Swedish-born parents.

Care for children is divided differently in the group with foreign-born parents than in the majority population. For example, after separation, only one-tenth of children of foreign-born parents have shared residential custody arrangements compared to four of ten children born to two Swedish-born parents (Statistics Sweden, 2014). Parental leave share is another example of how foreign-born parents differ from the majority population. Duvander and colleagues studied the use of parental leave in native and migrant families (Ma et al., 2020; Mussino et al., 2018). They found that low use of the leave was most common among foreign-born fathers with a foreign-born partner, especially fathers from Asian and African societies. This difference has been explained by their weak position in the labor market and lack of information on Swedish policies, although low acceptance of the policy promoting gender-equal parenting may also contribute.

However, the latter nuance is missing in the policy discourse in which immigrant fathers are singled out as a group who do not take the advantage of their parental leave rights.

## Conclusion and recommendations

In this chapter, we have highlighted the distinctive features of the Swedish welfare state that have shaped the doing of family among diverse groups and for individuals at different life phases in family formation, marriage, divorce and re-partnering. Gender equality policy and discourses that formed the Swedish dual-earner, dual-carer model gave rise to participatory fatherhood, which continues after separation and divorce. Residential custody can be seen as creating a new family form and gender equality in parenting in a complex web of multiple stepfamilies. While the gender equality discourse has been enabling divorced women to be single parents without stigma, it has not taken into account the amount of their previous unpaid care before divorce. For same-sex couples, gender equality has been at the core of framing rights for access to the same rights as different-sex couples.

We have explored the formidable challenges diverse families have faced in the longstanding Swedish legal coding of the heteronormative family. Throughout we have sought to reveal the complexities, contradictions and ambivalent positions in the policy frameworks for recognizing diversities among families, tracing the barriers that had to be overcome and the challenges that remain. Although we have revealed weaknesses and discriminatory treatment toward individuals and groups, we have not downplayed the achievements in the laws and policies including enabling family formation and recognition of SGM families; the pathbreaking law on children's rights to know genetic origins and father donors; the recent parental leave legislation addressing the complexity in multiple stepfamilies with shared parenting and residential custody; new laws facilitating non-birth parent legal status in same-sex couples; and finally legal recognition of transgender parents.

The European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association's evaluation of 28 countries in 2021 gave Sweden one of the highest scores *on recognition of family diversity (93%)* (ILGA, 2022). Legal gender recognition and bodily integrity, evaluative criteria in ILGA, have been improved with two recent policies. A legal change made in 2022 allows digital automatic registration of the non-birth parent that includes different- and same-sex parents with known donors. The Swedish law that allows trans people to be registered as parents according to their gender identity rather than their biological functions is the first to implement transgender parenthood guidelines formulated by the Parliamentary Assembly of the Council of Europe (Prop. 2017/2018: 155<sup>10</sup>). However, trans men are still discriminated against compared to other fathers in that the presumption of fatherhood is not applied to them. They must still prove

a biological connection to the child of their partner. A true gender-neutral policy remains to be achieved.

Self-determination and choice in doing of family is an important dimension for policy assessments of diverse family forms (ILGA, 2022). We have examined the overreach of the state in steering choice in family relationships. For example, although IVF is available to lesbian couples and single women, other family constellations do not have access (SFS, 2006: 351<sup>11</sup>), so that male couples resort to fake marriages with female friends (Mägi & Zimmerman, 2015). The issue of self-determination in the doing of family is also relevant when considering the imposition of joint custody in divorce even when both couples agree to single custody. Finally, the legal overreach of courts was apparent in the presumption of paternity involving donor anonymity from a sperm bank in another country.

In particular, the need to address the legal and social barriers impeding male couples from parenthood through adoption, foster parenting and ART need to be addressed. The question of surrogacy has been the subject of multiple investigations, where the pros and cons of pending legislation have been discussed (Statens medicinsk-etiska råd 2013; SOU, 2016:11), and legislation made to ease establishment of legal fatherhood for the genetic father of a surrogate child born abroad (Prop 2017/2018, 155). However, the non-genetic parent in shared parenting arrangements has no clear routes to formal parenthood. In this context, Evertsson's concept of parentalization, encompassing the ability to become parents (fertility treatments) and the recognition of non-birth parents, applies and should be a measure of family-friendly diversity comparing welfare states.

Considering the projections for diverse families in the future, we have emphasized that full recognition of diverse families cannot be achieved unless the foundations in the Swedish legal framework are altered. This would imply the abandonment of the two-parent constellation, the dislodging of the primacy of biological fatherhood and the replacement of the binary of maternity and paternity with the gender-neutral category of parenthood.

Although there is a vast literature on the effects of policy on parenting and the doing of family in Sweden, recent policy changes and practices necessitate further research. The recognition of social mothers and fathers in the formal parental leave system is documented in formal registers. What effect this change has had on actual practices in the everyday organization of care responsibilities needs to be explored.

Research has shown that single mothers are not a unified category. With the dramatic increase in residential custody, scholars need to address one-parent families.

Over the last decade, Swedish studies of doing family of same-sex couples have provided rich insights into the processes shaping recognition of rights to parenthood. However, the burgeoning literature on lesbian couples in Sweden, which focuses on family formation and practices, has yet to encompass the doing of family after separation and divorce.

Transgender legal recognition has been the subject of much research; however, little research exists on the everyday experiences of individual parents and their children in schools, health and social services.

The extensive register data in Sweden allow for studies of diverse family forms, including same-sex couples. However, only two legal parents can be registered and children may have three, four or more ‘parents’ involved in children’s upbringing. Mix method approaches using multiple data sources could shed light on the complex constellations in parenthood and parenting.

Finally, the effects of the COVID-19 pandemic need to be more thoroughly explored. Sweden approached the pandemic differently than other Western countries. Lockdowns were limited and not enforced; masks were not mandated or even recommended until a late stage. Shops and restaurants remained open and children from pre-school to age 15 continued to attend school.

The Swedish Health Authority assumed that with their pronounced trust in governmental institutions, Swedes would follow recommendations. In effect, each individual was made responsible for taking care of themselves. Those over 70 were viewed as exceptions. Regardless of their health or family situation, they were treated as ‘vulnerables’, and unlike the rest of society, were expected to isolate totally. In the doing of intergeneration family care, grandparents, nevertheless, used innovative digital strategies, socially distanced meetings, and in some instances, took risks in order to provide support for their children and grandchildren (Eldén et al., 2022).

At the same time, the high rates of COVID infection and deaths among immigrant families were attributed to their lack of language skills and institutional awareness. However, Aradhya et al. (2021) did not find any significant difference in COVID mortality between families with two migrant parents and those with one migrant and one Swedish parent. It was not a lack of integration but their high likelihood of exposure to infection as frontline workers in homes for elders or precarious employment in restaurants and other sectors that could explain their high mortality (Aradhya et al., 2021).

As research has shown in many countries, the pandemic is not the great leveller with respect to COVID deaths, loss of jobs and well-being. In Sweden, during the pandemic, families with two parents, with secure employment who could work from home while their kids were in school, may also have been able to organize a better work-life balance than other families.

## Notes

- 1 We thank to Björn Halleröd and Mikael Stattin for providing access to the ULF dataset “Panel Survey of Ageing and the Elderly” (Dnr: FAS 2009:1989. PI: Björn Halleröd) to calculate estimates regarding living arrangements in Sweden in 2002/2003. We are grateful to Laura Carlsson for her insights and interpretations of Swedish law.
- 2 SFS 1995:584 is The Parental Leave Act, Sweden (Föräldraledighetslagen).
- 3 SFS 1987:813 is The Homosexual Cohabitees Act (Lag om homosexuella sambor).

- 4 SFS 1972:119 is The Gender Recognition Act (Lag om fastställande av könstillhörighet i vissa fall).
- 5 SFS 2018:162 is The Act on State Compensation in Certain Cases to Persons Who Have Had Their Changed Gender Verified (Lag om statlig ersättning till personer som har fått ändrad könstillhörighet fastställt i vissa fall).
- 6 SFS 2001:453 is the Social Services Act (Socialtjänstlag).
- 7 SFS 1990:52 is The Care of Young Persons Act (Lagen med särskilda bestämmelser om vård av unga).
- 8 SFS 1984:1140 is The Insemination Act (Lag om insemination).
- 9 SFS 2006:351 is The Genetic Integrity Act (Lag om genetisk integritet).
- 10 Prop. 2017/2018:155 is The Swedish Government proposition on new rules regarding assisted reproduction and parentage (Proposition om modernare regler om assisterad befruktning och föräldraskap).
- 11 SFS 2006:351 The Genetic Integrity Act (Lag om genetisk integritet).

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