UMEÅ UNIVERSITET

Konstruktioner av den sexuella familjen

Styrning av föräldrablivande i rättslig reglering av assisterad befruktning och juridiskt föräldraskap

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Akademisk avhandling

som med vederbörligt tillstånd av Rektor vid Umeå universitet för avläggande av juris doktorsexamen framläggs till offentligt försvar i Hörsal UB.A.210, Samhällsvetarhuset, fredagen den 28 april 2023, kl. 10.15.

Avhandlingen kommer att försvaras på svenska.

Fakultetsopponent: Docent Leila Brännström, Juridiska institutionen, Handelshögskolan, Göteborgs universitet.

Juridiska institutionen
Umeå universitet

Organization
Umeå University
Department of Law

Document type
Doctoral thesis

Date of publication
6th of April 2023

Author
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Title
Konstruktioner av den sexuella familjen: Styrning av föräldrablivande i rättslig reglering av assisterad befruktning och juridiskt föräldraskap.
Constructions of the Sexual Family: The Regulation of Becoming a Parent under Swedish Statutory Law on Assisted Reproduction and Parental Status.

Abstract

This doctoral thesis deals with the Swedish legal regulation of becoming a parent. It covers the regulation of legal parental status and of health care-provided assisted reproduction. The family law and medical law that in these regards can have an impact on individuals' potential to become parents have both undergone many changes in the last few decades. The aim of the thesis is to make visible how becoming a parent is regulated on a formalized level, and how the regulation of parenthood has been constructed on a discursive level. The thesis's critical approach thus includes understanding law as an arena for power exercised through legal provisions as well as knowledge production.

In the first of the main chapters the current Swedish legislation on insemination, in-vitro fertilization, establishing legal parenthood, recognition of foreign decisions, and national and international adoption is described and analyzed. This is followed by chapters that deal with constructions of ideals, expectations, and other understandings of law and potential parents respectively. This serves the purpose, among others, of illuminating the interplay between diverse legal sources and areas of law. In preparatory works that record lawmakers' reasoning on the regulation, assumptions that the thesis identifies involve the law's consistency and at the same time inclusivity. These legal traits have proved to be contradictory, not least when uniform regulations shall apply to a plurality of family forms.

In both the formalized- and discursive-level analyses, two parents that are a different-sex, cisgender couple with biological children conceived through sexual reproduction are observed to function as the natural or self-evident default. Drawing on the concept of the sexual family model, the thesis demonstrates ways in which the contours of that model are still operating within Swedish law. It concludes further that the coercive and discursive effects of the law can be said to altogether regulate reproduction towards family formation that mainly corresponds to the sexual family model.

Keywords
Legal parenthood, parentage, Children and Parents Code, Genetic Integrity Act, assisted reproduction, the sexual family, Swedish family law, discourses in law, parental status

Language
Swedish

ISBN
print: 978-91-7855-871-1
PDF: 978-91-7855-872-8

ISSN
1404-9198

Number of pages
265