

0 Chapter 17 – The Pluralization of Families

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4 Word count: 35,968

5 **Abstract:** [Abstract 200 words]

6 **Summary**

7 The family is an institution central to individual wellbeing and to vigorous societies because of the caretaking, human development, and affiliation that families support. This chapter defines families as closely-knit social groups bounded by relations of locally recognized kinship that are based on expectations of reciprocity, obligation and obedience, usually but not always based on blood lineage and/or stable bonding and dwelling, that fall outside the dynamics of markets and states (although influenced by these spheres).

8 The vast majority of the world's population lives the majority of their lives within family units, of all shapes and sizes. Regardless of the tremendous diversity in family type and composition, and their socio-economic, political and cultural contexts, all families have certain

commonalities. They all must confront the need to balance production and reproduction, or, in other words, ensure income and care. Most families at some point raise children, and all age if they are lucky enough not to die young. At best, families also provide their members with love, and a sense of meaning and belonging. At worst, families may grapple with severe material deprivation or be settings for neglect, abuse and inequality, stunting the ability of their members to flourish as human beings.

- 9 The driving question of the chapter is: how can societies support conditions for the 21st century that allow families to flourish, and at the same time, promote individual choice, equality and dignity? Two interlocking questions follow from this: first, how can societies support families' important functions -- caregiving, human development, and belonging – in order to promote the dignity, life opportunities, and risk protection of family members? Second, as they support these important functions of families, how can societies minimize the socioeconomic and other forms of inequality and domination that families often reproduce, both within and between them?
- 10 This chapter is divided into three parts. The first part provides a broad context for discussing families. First, it identifies boundaries between families and other spheres or institutions; second, it outlines historical trends; third, it outlines contemporary challenges; fourth, it discusses the legal recognition(s) of families, both regarding partners and offspring; and fifth, it discusses the socio-economic context of families. Part two focuses on relations *within* families. The discussion is divided into four sections: first, relations between partners; second, adult-child relations; third, aging family members; and fourth, other adults within families. Part three provides policy recommendations.
- 11 The empirical evidence shows a broad trend toward legal acceptance of consensual adult partnerships, although with regional variation. On partner relations within families, the evidence shows that the overall tendency towards more gender equitable family law and greater gender equality in education, labor force participation, and asset ownership, is associated with improvements in women's bodily integrity and more shared decision making, and improvements in the wellbeing of the family as a whole. At the same time, these links are not automatic, and require concerted efforts by the state to both provide and enforce a legal framework in support of gender equality. On adult-child relations, the evidence shows that a state role in ensuring income floors to families with children is essential for children's physical and material wellbeing. Beyond this, ensuring a healthy balance of family (including paternal) care, and good quality institutional care allows children and their families to flourish.

Finally, state efforts to protect children are most successful when they routinely support families in preventive ways rather than coercively removing children from their homes after maltreatment occurs. Overall, care for older people around the world remains centered in the family as well. The looming challenge for aging societies is to ensure access to care services to relieve the burden on families, especially already overburdened women, and to ensure the dignity of older people.

- 12 The chapter makes the following policy recommendations: on family recognition, the goal of state policy should be to support the broader range of relationships in which people are organizing their family lives, consistent with promoting human dignity and fairness within and outside of these relationships. For rights and regulations *within* families, laws should uphold equality and dignity between partners and other adults, and respect and protection for children.
- 13 Given the massive transformations that families have undergone over the past half century, we recommend a strong, two-fold role by the state beyond legal regulations to ensure flourishing families, well-equipped to deal with 21st century challenges: first, transfers that guarantee a minimum income floor for all families with dependents (children, disabled, elderly etc); and second, publicly funded health, education and care services with universal principles, to allow families to maintain a healthy balance between the twin responsibilities of production and reproduction. While some of these investments pay for themselves over the medium and long term, we also make a call for progressive taxation, including a strong inheritance tax, to alleviate inequalities between families. In sum, families based on egalitarian principles, with supportive state policies that allow families to flourish, provide the most conducive setting to do what families can do at their best: provide a space where persons are loved and nurtured, love and nurture back, and are able to flourish to their fullest potential.
- 14 The family is an institution central to individual wellbeing and to vigorous societies because of the caretaking, human development, and affiliation that families support. The boundaries of which groups constitute families are conceptually murky, in part because family forms have varied enormously over time and location. We take as a simple conceptual definition that families are closely-knit social groups bounded by relations of locally recognized kinship that are based on expectations of reciprocity, obligation and obedience, that fall outside the dynamics of markets and states (though they are influenced by these spheres/institutions)[4]. Families are usually, but not always, based on forms of blood lineage and/or stable bonding and dwelling, often intergenerational and often, albeit not always, involving the reproduction and caring for offspring at some point in

the life cycle. At best, families may provide their members with a space where persons are loved and nurtured, love and nurture back, and are able to flourish to their fullest potential. At worst, families may grapple with severe material deprivation or be settings for neglect, abuse and inequality, stunting the ability of their members to flourish as human beings.

15 This leads to the key question of this chapter: How can societies support conditions that allow families to flourish and at the same time promote individual choice, equality and dignity?[5] Two interlocking questions follow from this: first, how can societies support families' important functions -- caregiving, human development, and belonging -- in order to promote the dignity, life opportunities, and risk protection of family members? Second, as they support these important functions of families, how can societies minimize the socioeconomic and other forms of inequality and domination that families often reproduce, both within and between families? The quest in this chapter is to assess the empirical evidence in support of the best ways to achieve these goals. The chapter is divided into three parts. The first part provides a broad context for discussing families. First, it identifies boundaries between families and other spheres or institutions; second, it outlines historical trends; third, it outlines contemporary challenges (which will then be discussed in-depth further in the chapter); fourth, it discusses the legal recognition(s) of families, both regarding partners and offspring; and fifth, it discusses the socio-economic context of families. Part two focuses on relations *within* families. The discussion is divided into four sections: first, relations between partners; second, adult-child relations; third, aging family members; and fourth, other adults within families. Part three provides policy recommendations.

16 **1. Conceptual boundaries: families, markets, communities and states**

17 The ways that families function are deeply and importantly affected by their interaction with other societal spheres/institutions and practices.[6] The most important of these are markets, the state, and the community (encompassing religious organizations, charities, trade unions, NGOs, and so forth). The ways in which the interactions between families and these other spheres/institutions are structured affect families' ability to perform their critical functions in a manner

that supports equity and human dignity. These interactions in turn affect the distribution of social risks and opportunities among men and women, rich and poor, educated and non-educated, children, adults and old people, and able-bodied and disabled.

18 In general, it is accepted in Western mainstream literature that these spheres are governed by different norms. Interactions within families are governed by norms of reciprocity and obligation, and often with children, obedience. Interactions in the market, in contrast, are governed by principles of competition, self-interest, and free exchange.^[7] Of course, this distinction between market, family and state logics does not mean, either, that agents in families lack self-interest, or that bargaining does not take place in families, but that the explicit rules of the game regarding how this bargaining and conflicting interests are solved are different from those governing the market and other spheres. Religious and charitable organizations, on the other hand, also embody distinct norms (addressed in Chapter 16).

19 The state, with legally binding and authoritative actions, has a special role to play in how the relationship between families and other institutions is organized (Przeworski 2003). The state performs three basic tasks, all of which affect families: regulating the behavior of individuals and institutions; the collection of resources from individuals, families and organizations through taxation; and the distribution and allocation of resources in the community. First, how the state recognizes and regulates families – including marriage and divorce laws, reproductive rights, child custody laws, and inheritance laws – profoundly affects how families are structured and the ways that they accomplish their tasks. This includes laws that limit (or conversely link) religious canons to family life and behavior (like permitting civil marriage or conversely sharia law). Second, state taxation limits the degree to which individuals can pool their assets and resources within families and pass them along to the next generations. Furthermore, whether and how the state distributes a broad range of goods and services deeply affects how families function. These three tasks and how these tasks interact with families form the basis of much of our discussion in the next sections.

20 We have seen massive advances in material wellbeing and human development across the world over the past decades. Global GDP per capita has doubled in just fifteen years, and infant mortality rates have declined in almost half in the past 25 years, from 63 deaths per 1000 live births in 1990 to 32 deaths per 1000 live births in 2015 (World Health Organization 2015). At the same time, socio-economic inequalities within societies have increased worldwide in the last 30 years^[8], and the benefits of these massive advances have been very unequally distributed, both across countries and regions,

and across socioeconomic classes, ethnic groups, and family types within countries. Usually we think of states and markets as the critical drivers of distributional inequalities. Yet, families also play a large role, one that is often neglected. We tend to see families on the receiving end of inequality trends, rather than in the driver's seat. Of course families are affected by these inequalities (physical assets, educational achievement, social capital), but it is also important to bear in mind that they strongly shape and affect them fundamentally, also affecting inequalities between and within families.

21 One key feature of state regulation relating to families deserves special consideration: how states respond to the social opportunities and social risks that recur across all human societies, and for which families are often on the front lines. Young couples face the risks of poverty due to the start of both their productive and reproductive cycle; older people face challenges related to their physical and emotional decline combined with their increased isolation from the market, their families and their communities; children face the risks related to their family dependence and adolescents must solve the challenges of transitions to adulthood. These opportunities and risks are affected by each community's prevailing social norms. For example, old people who live in societies with strong family solidarity networks will find themselves less isolated than those in societies with weak family units in terms of care and resources. But these risks and opportunities are also affected by the usage of social policies to minimize, moderate, compensate or simply deal with these risk situations (Esping-Andersen 2002, Huber and Stephens 2004). The unprotected old people of the low solidarity models will be protected in the states that provide universal coverage of rent and social services for older people. Children will depend less on their families' fortunes and misfortunes in countries where preschool and full time school are universal. Divorced women who depend economically on their ex-husbands will be more protected if there is state regulation of the economic transfers between ex-partners and if there are support systems for female-headed households.

22 The growth of the welfare state in the 20th century, most expansively in advanced industrialized countries, but to varying extents also in developing countries, is, of course, related to the challenges represented by these social risks that befall individuals and families, including illness, disability, maternity, unemployment, and old age and death of the breadwinner, all important to the material security of families. With the expansion of welfare states in the second half of the twentieth century, combined with the gradual democratization of family relations, state transfers, tax policies and services have also sought to implicitly or explicitly shape families, and in doing so, have reinforced certain kinds of families over others;

influenced socio-economic differences between families; and influenced the division of paid and unpaid labor between family members, especially mothers and fathers.

23 In the remainder of this section (part one), we provide an overview of historical and current trends. We then review two critical areas where families are changing because of market, state and community transformations: first, those that relate to the recognition and regulation of the changing landscape of family forms; and second, the dynamics that shape relations among family units.

24 **1.2 Families in historical perspective: long term trends and new challenges**

25 Families in most of the world must be understood in the context of the gender inequality that has historically sustained and regulated family relationships and regimes, in which adult males dominated and held the levers of political, economic and social power over their children and spouses[9]. This was the case in the codified traditions derived from Anglo-American common law, Roman law, classical Islamic law, and the customary law of many sub-Saharan and Asian societies. Therborn (2003) argues in his encyclopedic work on family that, between the seventeenth and nineteenth centuries, patriarchy was the over-all norm in Europe and its settler colonies, and dominant in large parts of Asia and Africa. In Western societies during these eras, according to Therborn (2003), these patriarchal arrangements shifted from agrarian and craftsman patriarchal forms to the waged patriarchal family. While for the Western world this period ran up to the early 19th century in other regions it persisted until later. In India, China and many Middle-Eastern countries, gender-inegalitarian family forms, despite variations, remained largely in place until well into the twentieth century.

26 These families, at least in their pre-wage-labor forms, shared the following features in many societies around the world:

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- Monogamy was the dominant model in most of Western societies, but polygyny (one husband, many wives) was permitted either by law or customary practice in China, Japan, large parts of South East Asia and Sub-Saharan and Eastern Africa, Middle Eastern countries, Native American communities and in some Celtic societies in the Western world.
 - Women worked as part of the family productive unit. Males were considered heads of the family/household unit. Women's labor participation in this context was not contradictory with gender inequality but rather part of it.

- By law or by social practice, women and children were deemed subservient to the male head of the household. Male heads of households very frequently not only had the power to distribute resources, but could also assign responsibilities and restrict movement and social interaction outside of the household. The system of descent in most parts of the world was patrilineal (lineage discerned through the male) with conjugal formation patrilocal (newly married couples live with or near the male's family/household).
- In some societies, women had no say in choosing their partner. They also had little say over reproduction because of technological limitations, law, and/or social norms.
- Women had limited access to, and especially control over physical assets such as land, especially during marriage, and restricted rights to inheritance.

28 Three major processes during the mid-19th century and early 20th century undermined the basis of authority of inegalitarian family arrangements in Europe: the growth of non-propertied classes, urbanization and industrialization. They would later have a similar effect on the rest of the Western countries, including parts of Latin America. By the late nineteenth century and early twentieth century, a new gender regime began to emerge: the male breadwinner model, also patriarchal in nature.

29 While feminist movements challenged gender inequality during this time period in many places outside of the West, transformations in most non-Western countries gained ground later. In the second half of the twentieth century China and India experienced rapid transformations that profoundly challenged familial hierarchies and gender inequality. The joint household/family model in India and the notion of filial piety in China, as well as the perseverance of patrilineal and patrilocal features, combined to produce family formations different from those in the Western world. As Xie (2013) argues in the case of China:

30 “[W]omen’s socioeconomic status has greatly improved and indeed reached parity with that of men by some indicators, although women remain disadvantaged relative to men in terms of labor income, positions of authority, and housework. Marriage behaviors in China have trended increasingly towards patterns observed in the West, such as later marriage, more cohabitation, and more divorce. Despite these social changes, a high proportion of extended families with older parents living with their sons remains a distinct characteristic of the Chinese family today.”

31 Women in many Middle Eastern countries also challenged gender inequality inside and outside the family from the late 19th century to the present. In the latter half of the twentieth century, in a number of Middle Eastern states, various forms of political Islam gained political power (Iran and Afghanistan, for example), and created new forms of gender inequalities based on their readings of Islamic texts. While gender inequalities in the family remained entrenched in many countries, in the latter part of the 20th century and early 21st century some Middle Eastern countries such as Tunisia, Morocco, Egypt and Iraq made significant strides in improving the legal conditions of women in relationship to their families.

32 In the case of Western societies, while the growth of the urban working classes affected the property base of patriarchal authority, most private economic power continued to be vested in the male head of the household because of men's access to paid work, as well as social norms and laws that circumscribed women's autonomy.^[10] Furthermore, while urbanization undercut the male head of household's control over the social lives and mobility of children and women, laws banning or restricting the participation of women in certain public spaces and social mores that were reinterpreted as ideals of femininity and prudence created a set of powerful levers by which males could in some cases continue their control over women. Finally, while industrial capitalism created a major challenge to patriarchy by initially undermining hierarchal family arrangements and the authority of the pater familias, hierarchy was reasserted through the creation of the male bread-winner family model that would dominate key classes of much of the western world by the mid-20th century. In this model, in many countries women's and children's labor was limited by law and social mores under the banner of the living or family wage.

33 The male breadwinner model was a more moderate patriarchal model than its predecessor, but one that still privileged men in their families, the market and the state. Some of the basic features of this model during the early to mid 20th century are:

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- The nuclear family form, fueled by urbanization and industrial capitalism, assumed greater prominence and in certain classes and regions of the West it became the dominant form, replacing extended kinship relationships.
 - Women within such arrangements engaged in household production and reproduction with no pay. Increasingly, their household work became invisible, associated with women's responsibilities as caregivers. In some cases women would engage in paid work as secondary wage-earners but rarely as the primary ones. In female-headed households, seen as failures of the

patriarchal contract, women did, of course, work outside the household for wages.

- Women were deemed subservient to men by law and social practices, but often with at least some authority within the household. Men, meanwhile, controlled the public institutions/sphere. The vast majority of women did not achieve the right to vote or to be elected to public office until the mid-20th century.
- Women still had little control over reproduction, despite some advances in reproductive technology. Access to birth control and especially abortion was generally legally restricted.
- Women, including married women, gained more equal rights to inheritance and control of their own assets and property (though in many cases with weak legal guarantees).
- While patrilineality was reflected in the practice of the wife and children taking the husband's/father's last name, systems of bilateral descent increasingly developed (where both mother's and father's lineage are recognized). Patrilocality was either weakened or disappeared altogether.
- Legal and cultural norms that allowed parents (in many cases only the father) to arrange or veto marriages for women eroded, though in some places mores or laws continued to allow parents or fathers significant authority.

35 A whole social protection system grew to support this model in the wings of the industrial and Keynesian era. In the West these welfare states emerged and were modeled in many ways in the image of the male breadwinner system.

36 1.3. Challenges in the Pluralization of Families Today

37 From the 1960s onwards, increasing pressures have eroded the strength of the male breadwinner model in Western states and in parts of Asia. Five major shifts have driven the transformation of family regimes in this era: a) the withering of most civil and political legal discrimination of women both in the market place and state structure/public and private spheres, b) the increasing control of women over their reproductive capacity led by technological and cultural change, c) legal and policy transformations and change in social practices and social structure which brought about radical changes in fertility patterns, divorce and new family arrangements, d) the incorporation of women into the paid wage labor market, and e) the rising belief that women should be treated equally with men. Prominent scholars have made the case that a “stalled” or “incomplete” revolution (Hochschild 1989; Esping-Andersen 2009)

has occurred in this era regarding gender, work and family, essentially because while most women changed, most men and the state have not fully adapted to these changes.

38 Towards the end of the 20th century it is possible to identify new trends and features that to differing degrees question the previous hierarchical arrangements:

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- New family arrangements have emerged that depart from the heterosexual nuclear family that dominated the last era. In many countries, cohabitation, same sex conjugal relations, single-female headed households, as well as other family forms have gained cultural and legal acceptance. Yet, in most countries, legal recognition of these different family forms still lags behind the pace of change and negatively affects their viability and stability. This is addressed in Part 1.4.
 - Rates of conjugal relationships have decreased, and significant numbers of those that develop have become less stable. This is particularly true for lower-income families. The breakdown of conjugal relationships negatively affects children through reducing stability, lessening adults' ability and opportunity to engage in caregiving of them, and decreasing adults' financial resources to invest in them. This breakdown also decreases the benefits of caregiving and affiliation among adults. We address this throughout the chapter.
 - Fertility rates have been reduced and fertility has been postponed by the combined effects of access to technology, laws, and mores that give women and girls increased control over reproduction. Yet financial obstacles to reproductive autonomy remain in many countries, and access to abortion continues to be legally restricted. Further, inequality in fertility patterns and lowest-low fertility scenarios illustrate the double challenge of democratizing reproductive control and allowing for a better balance between productive and reproductive behavior. This is addressed in Part 2.1.
 - Within families, conjugal relations in the Western and most of the non-Western world have become more gender-egalitarian and flexible, with broader entry and exit options and a more equal distribution of rights regarding asset control, lineage recognition and power. This is addressed in Part 2.1. The sexual division of paid and unpaid labor in families is characterized by the following trends:
 - Overall, women have made clear gains in economic autonomy and in labor market participation during the last half century. Yet women in many regions have been left behind on these

measures, and even the advances hide significant inequalities along socio-economic lines.

- In industrialized Western societies, the gap in the distribution of non-paid labor and care work among men and women has decreased considerably, although significantly more in some countries than others. In no country, though, has it been eliminated. In most of the developing world, care remains almost the sole responsibility of women in most dimensions and chores, limiting their ability to enter the labor force and making them time-poor.

40

- Within families, intimate partner violence has around the world become problematized, due especially to efforts by women's movements, although progress has been spotty over-all and completely absent in some countries. This is addressed in Part 2.1.4.b.

41

- The legal regulation of the parent-child relationship has in most countries shifted from a model of parental control, with a greater privileging of paternal control, to a model largely directed at the best interests of the child. At the same time, parent-child relationships are marked by increasing efforts to prepare both boys and girls for success in the market as adults. This is addressed in Part 2.2.
- There is a worldwide trend towards ageing societies, produced by the confluence of reduced mortality and fertility together with life expectancy increases. The proportion of the world's population aged 60 years or over is expected to double from about 11% to 22% between 2000 and 2050 (WHO, 2016, UN; 2002). While most developed nations have had decades to adjust to shifting age structures, the ageing of the respective populations in many other regions is taking place very rapidly, often within a single generation. This is addressed in Part 2.3.
- Extended households (horizontal and vertical) remain an important part of family landscape in the developing world, but are slowly being eroded. Transnational families are also becoming more prominent (addressed throughout). This is addressed in Part 2.4.

42

In sum, the changes taking place are providing more opportunities than ever before for relations based on mutual respect and dignity among family members. At the same time, civil and political remnants of gender-inegalitarian orders remain in many countries, affecting reproductive rights, marriage and divorce regulations, and the ability to protect oneself from violence. In light of our driving question—how can societies support conditions that

allow families to flourish and at the same time promote individual autonomy, equality and dignity?—we turn to examining family recognition and relations among family units.

43 1.4. Legal Recognition(s) of Families

- 44 Globally, the large majority of adults marry or live in a consensual union at some point in their lives. According to UN data covering the decade of the 2000s for 159 countries, in the overwhelming majority of countries, 80% of women and men had been married or in a consensual union by the time they reached 45 to 49 years of age (UNDESA 2011: 2).
- 45 In the middle of the twentieth century, the dominant family form worldwide was the heterosexual marital family, in some regions supplemented by extended families. The legal regulation of families both responded to and enforced this dominance. Married couples, and married couples alone, were accorded a large bundle of rights. In contrast, other family forms remained outside the scope of legal protections and, indeed, were often criminalized.
- 46 At the end of the twentieth and beginning of the twenty-first century, other family forms have taken their place alongside the heterosexual marital family. Some of this phenomenon has been driven by rising rates of marital dissolution. While divorce and separation are still relatively rare statistically, according to UN data, globally they have increased from 2% of adults aged 35 to 39 in the 1970s to 4% in the 2000s (UNDESA 2011: 3). Divorce and separation is much more common in developed than in developing countries, with 11% of women in this age group being divorced/separated in the former and only 2% in the latter; the corresponding figures for men are 9% and 2% (Ibid.).
- 47 Meanwhile cohabitation without marriage has mushroomed in many Western countries, including several northern European countries, the United States, some Latin American countries, and in the Caribbean. It has increased to a lesser extent in Africa and is still relatively unusual in Asia (UNDESA 2011). In addition, same-sex couples have become increasingly visible in the West, although less so in most countries in the Middle East, Africa and Asia, many of which continue to criminalize same-sex relationships.
- 48 While the large majority of adults are partnered, the share of unpartnered adults has recently risen in many countries (UNDESA 2011:2).^[11] In North America, Latin America, Western Europe, and South Africa, among others, there has also been a steady increase in the share of households headed by a sole adult (either because they are never-married, separated, divorced or widowed), and

particularly, female-headed households (U.S. Census Bureau 2013; Euromonitor 2014; Cienfuegos 2014). Remarriage rates, nonetheless, tend to be high for both men and women. Data for 15 OECD countries for 2006-08 reveals that between 20% and 28% of all marriages are remarriages (Ibid.).

49 Globally, the large majority of adults also have children, although the number of children per parents—that is, the fertility rate—has declined (United Nations Population Division 2012; Agrillo & Nelini 2008). Combined with the increase in households headed by a sole adult and by remarried adults, legally assessing parentage—and its implications for adult-child relations—has become increasingly important. In relation to this, developments in DNA testing and reproductive technology have made distinctions between social and biological parenthood both increasingly possible and visible.

50 The available data suggest that adults do better on a number of measures of wellbeing when they have supportive family relationships. (Hewitt, Turrell & Giskes 2010; Wyke & Ford 1992). Further, in general children do better when raised in a stable home with two parents (Bernardi, Härkönen, Boertien, et al. 2013; McLanahan & Sandfur 1994; Waldfogel, Craigie & Brooks-Gunn 2010). Yet the data also suggest that a variety of relationships can contribute to adults and children's wellbeing. For example, a recent study found that couples in stable cohabitating relationships experience many of the benefits that married couples experience (Mernitz & Dush 2016). While marriage itself to a modest extent appears to contribute to the stability of the relationship, Brown & Booth (1996), and stronger feelings of subjective wellbeing (Dush & Amato 2005), nonmarital relationships in some countries are more stable than even marital relationships in others (Cherlin 2010). Additionally, differences in societal norms among countries have been shown to contribute to the varying levels of wellbeing between unmarried and married cohabitants. Cross-national studies indicate that the gap in wellbeing between unmarried cohabitants and married cohabitants (dubbed the "cohabitation gap") is greater in countries where cohabitation between unmarried people is less accepted and less common (Soons & Kalmijn 2009), as well as countries with more traditional gender and religious beliefs (Lee & Ono 2012).

51 At this point, some countries have made significant headway in supporting families as they exist, rather than families as they continue to be imagined. Progress in this area has been patchy, however. Some legal systems remain exclusively focused on the heterosexual marital family. Others have broadened their definition of family in some respects but still inadequately recognize some

types of families. This section considers the legal recognition of these emerging family forms, both with respect to relationships between adults and parent-child relationships.

52 **1.4.1 Relationships Among Adults**

53 As relationships among adults have increasingly diverged from the model of heterosexual marriage, states have faced two questions: First, should rights and privileges be accorded to other family forms? Second, to the extent that legal protections are accorded to other relationships, should these relationships be assimilated into marriage or should they receive some different, potentially lesser, bundle of rights? These questions have increasingly been answered in favor of conferring different bundles of rights on other relationships, including cohabiting couples, and assimilating the relationships of committed same-sex couples into marriage. This section considers the legal recognition of both forms of relationships, as well as the continuing issues raised by polygamous marriage.

54 **1.4.1.a. Unmarried Cohabiting Couples**

55 Since the 1980s the marriage rate (for formal unions) has been declining globally.^[12] Especially western countries have seen a high rise in the rates of couples cohabiting without marriage as the practice has become more acceptable as both a step and alternative to legal marriage (Mintz, 2015). Indeed, in Latin American countries, South Africa, and Sweden, more children are born outside of marriage than within it (IRSTI 2016).

56 Until the late twentieth century, many countries, including the United States, criminalized nonmarital cohabitation and refused even to enforce claims between unmarried cohabitants after the relationship ended (Sutherland 2013; Goddard 2007). In the words of one U.S. court, to do otherwise might “encourage formation of such relationships and weaken marriage as the foundation of our family-based society” (Hewitt v. Hewitt, 1979).

57 In most of the Western world, albeit not in the East or Middle East, states have eased bans on cohabitation and gradually increased rights and protections for unmarried couples during the last two generations. This change in policy recognized several facts. First, ignoring such relationships legally did little to reduce the escalating rates of non-marital cohabitation. Furthermore, this approach failed to support important caretaking and affiliation functions that these families could otherwise provide, and often unfairly advantaged one member of the couple if the relationship ended. Finally, with

marriage increasingly concentrated among wealthier couples in western countries, laws benefiting only marriage risked funneling benefits to those who needed them least.

58 In some Western countries, rights have been accorded to couples based on their living together for a particular length of time. For example, many western countries now give non-marital cohabitants some rights to property accumulated by either partner during the relationship at the relationship's dissolution. In Sweden, cohabitants' joint dwellings and household goods are considered property to be divided equally at the end of the relationship. In New Zealand and Croatia, non-marital cohabitants who live together for several years have the same property rights as married couples (Lind 2008, 833-34; Jakovac-Lozic 2000). These laws have been spurred in large part by the recognition that the financial costs of such break-ups are not equally shared by both members of the couple; instead the partners who perform more caretaking—generally women—tend to be disproportionately harmed financially at the relationship's end. Some Canadian provinces have gone still further in protecting cohabitants at the termination of the relationship through statutorily imposing support obligations in addition to property rights (Blumberg 2001; Semple 2008).

59 Fewer Western countries have thus far provided public rights and benefits to unmarried couples during the relationship, although this appears to be changing. Canada now provides for parity of some federal benefits between married and cohabiting couples (Bala 2000). It has also revised both tax and old-age pension rules so that the same standards apply to married and “common-law” partners (Bala 2000). Further, most western states now protect non-marital cohabitants under domestic violence statutes. This protection is particularly important in light of empirical research that reveals that unmarried women may be at greater risk for assaults by intimate partners than are married women (Tjaden & Thoennes 2000).

60 Rather than assign rights to couples based on the longevity of their relationship, other countries allow unmarried couples to enter into alternative formal statuses. Domestic partnership statuses, which were often developed as a marriage alternative for same-sex couples now serve as an alternative status for opposite-sex couples as well. While some of these statuses accord the same bundle of rights conferred by marriage, others offer significantly fewer rights. France adopted such a formal status in 1999, called *Le Pacte Civil de Solidarite et de Concubinage* (or “PACS”). The PACS allows couples to file joint income tax returns and gives them some rights to protect surviving partners, permits partners to share insurance policies, eases access to residency permits for foreigners, and makes partners responsible for each other's debts. Unlike marriage, this status is

easy both to enter and exit—no marriage ceremony or divorce required. Although the PACS was originally intended to create a status other than marriage for same-sex couples, increasingly same-sex and opposite-sex couples have opted for them, so that there are now two civil unions for every three marriages (Sayare & Boem 2010).

61 In Latin America, since the 1990s the incidence of consensual unions has been on the rise in concert with their growing legal recognition, so that in most countries these have the same rights as legal marriages under certain conditions (Garcia & Oliveira 2011). Many, perhaps most, Muslim majority states will allow for a form of *ex post facto* recognition to marriages that comply with the requirements of Islamic law in establishing marriage, even if accompanying such measures with the prospect of penal sanctions for the avoidance of legal procedures. In regard to ‘unofficial’ (unregistered) marriages in the United Arab Emirates and Egypt, public disquiet appears to have centered not so much around people marrying without the knowledge of the state, but at young persons (mostly females) marrying without the knowledge of their families, ‘secret marriages’ that are perceived to violate “‘*shari`a*’ and state law” (Hasso 2011: 81-2).

62 1.4.1.b. Same-Sex Relationships

63 The regulation of same-sex relationships has also been transformed in Western countries during the last half century, albeit not in the East. Until the mid-twentieth century, most countries criminalized same-sex behavior. These criminal prohibitions were largely rescinded in Western countries in the latter half of the twentieth century, or early in the twenty-first. Currently, no criminal prohibitions remain in Europe and North America, and few remain in South America. Further, a growing number of these countries have gone significantly further, first by allowing same-sex couples to enter domestic partnerships, and then in many countries to get married. The Netherlands became the first country to recognize same-sex marriage in 2001. Other countries soon followed. At this point, most West European countries, and Canada and the United States, recognize same-sex marriage (Pew, 2015). Same-sex marriage has been advancing steadily in Latin America, as well, where Mexico, Argentina, Brazil and Uruguay, now allow it. Studies have shown that same-sex marriage stabilizes relationships, and increases the wellbeing of both adults and children in these families (Wight, LeBlanc & Badgett 2013; Badgett, 2011).

64 A number of the countries that do not allow same-sex couples to marry offer an alternative domestic partnership status only for same-sex couples (Pew, 2015). Studies show that same-sex couples

enter these alternative statuses at far lower rates than they enter into marriage. Research also suggests that even when these alternative statuses offer the same rights and benefits as marriage, they are not equivalent insofar as many third parties, such as health care professionals, do not understand they must be treated equivalently (N.J. Civil Union Review Comm'n 2008).

65 While the majority of countries across the globe have moved towards the decriminalization of same-sex relations, this trend is hardly uniform. Currently, 70 countries continue to imprison citizens because of their sexual orientation, and five others – Iran, Mauritania, Saudi Arabia, Sudan, and Yemen – punish homosexuality with the death penalty. (BBC World News, 2014; UN Office of the High Commissioner) South Africa is the only country outside of the West that allows for same-sex marriage.

66 Despite the significant decrease in countries prohibiting same-sex conduct, some countries appear to be moving in the opposite direction. In 2013, India's Supreme Court reversed a 2009 order decriminalizing homosexual acts and reinstated a 153-year-old colonial-era law deeming a same-sex relationship an "unnatural offense" punishable by a 10-year jail term (Koushal v. NAZ Foundation). Similarly, in 2014 Nigeria passed the Same Sex Marriage (Prohibition) Act, which criminalized all forms of same-sex unions regardless of where the union was entered, with strong support from the Nigerian people (Adebanjo 2015; Pew 2013).

67 **1.4.1.c. Polygamous Marriage**

68 Polygamy (practiced as polygyny, the marriage of one man to multiple women) has long been allowed by formal or customary law in some countries in Africa, the Middle East, and Asia, although the practice is largely banned in other regions of the world. Polygamy is legal nationally or generally accepted in 25 countries in Sub-Saharan Africa and seven in Asia; in a number of others it is accepted for particular groups (UNDESA 2011: 4). The institution of polygyny persists in law in many Muslim majority countries. However, it has been restricted and conditioned under 20th/21st century legislative reform, and is not very widespread in practice.

69 Protecting the autonomy and equality of women in polygamous marriages has proven so challenging that a number of human rights organizations, including the United Nations Human Rights Committee, have called for the abolition of polygamy as a form of human rights abuse. Because of these concerns, a number of African countries have made polygamy illegal in recent years. In those countries that allow the practice, a minority requires the consent of

existing wives to the husband's taking a bride, and provides some protection of property and support rights for all wives, which may help to mitigate some of the grossest inequalities in plural marriages.

70 Some women's rights activists seek the absolute prohibition of polygamy, while others advocate an incremental restrictive approach encouraging the social and economic decline of the institution (WLUML 2003). From a pragmatic perspective, some commentators prefer the approach of the African Protocol of Women's Rights, which endorses monogamy but also explicitly seeks to protect the rights of wives in polygynous marriage (Banda 2014: 307-8).

71 1.4.2. Parent-Child Relationships

72 During the last half century, legal regimes have also transformed the way they regulate parent-child relationships. At the middle of the twentieth century, laws determining paternity were largely governed by the marital presumption, which conferred paternity on the husband of the mother. With the advent of DNA testing toward the end of the twentieth century, laws have reckoned with how to weigh claims to paternity based on biology against paternity claims based on marriage to the mother.^[13] In this same period, because of the higher rates of non-marital births, countries increasingly provided routes to establish paternity for children born outside of marriage. For example, the 1978 European Convention on the Legal Status of Children Born out of Wedlock, which was adopted by the U.K. in 1981 and by Ireland in 1988, mandates the establishment of voluntary paternal affiliation procedures. Further, with the advent of Assisted Reproductive Technologies, countries have grappled increasingly with how to determine parentage in an age where social and biological parenthood can diverge.

73 One parentage issue that has engendered much debate concerns the parenting rights of gays and lesbians. Until fairly recently, openly gays and lesbian couples were penalized in child custody determinations and were prohibited from adopting. Accumulated research now establishes that children raised by same-sex parents do as well as children raised by opposite-sex parents on relevant measures of wellbeing (See Perrin & Seigel 2013; Golombok et al. 2003; Brewaeys et al. 1997). Based on this evidence, most Western countries have repealed or at least rolled back these laws in recent years. All countries that recognize same-sex marriage allow adoption by married same-sex couples. However, some countries that do not allow same-sex marriage continue to deny full joint or step-child adoption by same-sex couples. Most Asian and African countries still prohibit such adoptions, with the prominent exception of South Africa.

Another important change in recent decades is the emphasis on providing children the right to care from both parents. While children born out of wedlock traditionally did not have the same rights to support and care from their parents that children born within a marriage were given, during the last half century, most countries have firmly decreed that such children be treated equally with children born to married couples.^[14] When it comes to the significant number of non-marital children who are born to parents engaged in an existing, cohabiting relationship (McLanahan 2003), most countries have moved to a legal model in which the parents are accorded the same parenting rights and duties as married couples. Even though custody is usually given to the mother at birth, parents do have the possibility to share the custody. The current challenges center instead on how to ensure that children whose parents are not in intact relationships are accorded the same opportunities for relationships, financial support, and stability that married parents offer. We discuss the details of adult-child relations in Part 2. 3.

1.5. The socioeconomic context of families

Families enclose resources within their boundaries.^[15] They do so because family membership implies both legitimate claims over other family members' resources as well as obligations to transfer resources to other family members. These claims and obligations are both legally and culturally enshrined, through norms and customs. Those who belong to the family have a claim over these resources through non-market mechanisms, while those who do not belong have no claim to them, or can access them through market mechanisms. This happens both intra-generationally and inter-generationally. Couples will share resources among them that they will not share with outside family members, and parents usually are expected to dispense time, money and services to their off-spring that they are not expected to provide to other children.^[16]

Family solidarity, reciprocity and obligation can provide both material well-being and meaning to the lives of their members. In the absence of state or communal systems of protection, family solidarity and resource distribution can provide protection and resources to individuals who might otherwise be devoid of any means of subsistence.

These claims and obligations are enforced by the legal regulations and coercive capacity of the state, as well as by social mechanisms of socialization, inducement and control.^[17] Resources can include material (money and property) as well as non-material resources (human capital, social capital, time devoted to care and service). Laws of inheritance, the obligation to care for off-spring (both in terms of material welfare and nonmaterial well-being), obligatory transfers

among spouses, in some societies the obligation to care for the elderly, and in many societies the legal or de-facto pooling of resources among spouses, legally enshrine these principles of family solidarity, reciprocity, and obligation.

- 79 These laws and cultural norms that bind families together can confront or moderate socio-economic inequalities insofar as they distribute resources to household members that have no other sources for income, protection and services. Family solidarity and ties are also affected by socio-economic inequalities with distinct effects on family formation and dissolution, and on limiting or enhancing the capacity of families to provide adequate protections and shelter from the logics and risks that are produced by markets and states. Very importantly, however, these laws and cultural norms also imply that families are a central institution in the intergenerational and intra-generational reproduction of inequality.
- 80 Families transfer resources both intra- and inter-generationally. Within generations, families reproduce inequality because they pool assets and resources (property, money, time, social capital) and enclose them among their members (be it at household level or between households of the same lineage or family). Inter-generationally they do so also through inheritance and family transfers between households. Since in most societies people with high socio-economic status marry each other, and vice versa, families not only reproduce but can also increase socio-economic inequalities (Esping-Andersen 2009; Mintz 2015).
- 81 Family formation and dissolution as well as variations in family arrangements are strongly correlated with social class through income differentials, education differentials or both. In general, the poor marry less and earlier, have less conjugal stability and a larger proportion of female-headed households. In Latin America, the mean age of first union is much lower and the prevalence of consensual unions is much higher in poorer Central America than in South America (Garcia & Oliveira 2011). At the same time the mean age of first union is much lower and the prevalence of consensual unions as well as female-headed households is much higher among lower income groups and those with less education than among the middle and upper classes in Latin America over-all (Cienfuegos 2014).
- 82 The importance of class is also quite apparent in the U.S., where since the 1980s divergent patterns have developed by level of education. Whereas among college graduates the age of marriage has increased and divorce rates have fallen, those with less than a college education are marrying at an earlier age, have higher divorce rates, and are more likely to live in consensual unions (Mintz 2015). In addition, there has been a growing tendency toward assortative mating,

where people tend to marry others with similar levels of education, accentuating class stratification in an overall period of growing income inequality (Ibid.).

- 83 Given these trends, the poor are usually less able than the middle and upper classes to benefit from resource pooling and adult cooperation. In addition, the poor have higher rates of fertility in almost every society in the world (need cite). Thus, poorer families, while contributing more to the reproduction of a given society are also the ones facing the starkest choices in terms of how to distribute scarce resources among family members. For this same reason, poorer families many times under-invest in their children's education since they are required to perform other tasks (labor force participation and care and household work). This in turn contributes to the intergenerational reproduction of inequality.
- 84 Besides the transfer of resources in daily family life from parents to offspring, the key mechanism in the transmission of inequality is inheritance. Family members tend to leave their life savings, properties, and other assets to their offspring (or to other family members or friends). State regulations—especially taxes—on inheritance are thus a central instrument curtailing -or ensuring- the transmission of inter-generational inequalities.[\[18\]](#)
- 85 Yet, there is a trend toward reducing or eliminating inheritance or estate taxes; indeed, thirteen countries or tax jurisdictions have repealed these since 2000, from Sweden and Norway, to Portugal, Macau, Russia, Hong Kong, Singapore, the Czech Republic, Lichtenstein, Brunei, Austria, Hungary, and the Slovak Republic (Cole 2015). In the United States, the estate tax exemption has grown from under US\$1 million in 2001 to almost US\$5.5 million in 2015 (Ibid.).
- 86 According to Piketty (2014), the rise in the level of economic inequality in developed countries since 1980, particularly the US, is strongly associated with policy changes with respect to taxation and finance as well as the underlying mechanisms of capital accumulation which promote wealth divergence rather than convergence. In the context of slower economic growth, private capital accumulates faster through inheritance rather than savings, worsening further the distribution of income and wealth. This suggests the importance of rethinking taxation policy in all of its dimensions, laws on inheritance being a central one.
-

2. Relations within families

- 88 Beyond family composition, legal family recognition and the socio-economic context of family units, relations *within* families are crucial for individual and family well-being. In this section we focus on relationships among partners, between parents and children, aging family members, and among other kin. We assess the empirical evidence on how these different relations contribute to family and individual well-being, keeping in mind the goal of the chapter to identify the conditions which allow families to flourish while ensuring individual autonomy^[19] and dignity. We do so with an emphasis on how the productive and reproductive role of families and family members can be made compatible with the individual search for dignity, opportunity and protection.

89 2.1 Relationships among partners

- 90 In much contemporary discourse, partner relationships are assumed to be based on altruism and solidarity, in the context of deep emotional attachment. While many unions may be underpinned by these sentiments and behavior, the overwhelming evidence also indicates that the distribution of power in a relationship matters not only for equality in the relationship but also for a broad range of factors related to individual and family well-being, from self-fulfillment, to freedom from violence, to child nutrition. Below we examine four dimensions of relations between partners: legal equality of partners, access to income and wealth, the gender division in paid and unpaid labor, and bodily integrity (reproductive choice and freedom from violence) and what we know of how they contribute to individual and family well-being.

- 91 Given that same-sex unions are a very recent phenomenon, we focus here on heterosexual couples (whether married or in consensual unions), although much of the empirical evidence is likely relevant to same-sex couples as well except that dynamics around gender roles are less established.

92 2.1.1. The legal framework on gender equality

- 93 The past century has witnessed a tremendous leap toward legal gender equality, albeit at different paces in different regions. A study of 100 countries using 17 indicators of potential gender inequality found that between 1960 and 2010, 28 countries removed all sources of gender inequality in family law, while an additional 29 reduced at least one constraint; 18 countries stayed stagnant; hence, by 2010 53 of the 100 countries had achieved legal gender equality (Hallward-Driemeier, et. al. 2013).^[20]

94 OECD countries and those of Eastern Europe and Central Asia had few discriminatory laws by 1960; those remaining had been eliminated by 2010.[21] Similarly, in Latin America, a region with relatively few indicators of gender inequality in 1960, considerable progress was achieved in this fifty-year period.[22] Countries of Sub-Saharan Africa had the greatest number of constraints in 1960; by 2010 the number of these had been halved, as in East Asia. There has been less progress and even some regression in the Middle East and North Africa as well as in South Asia. Many countries in these regions exempt religious and customary law from existing gender equality or anti-gender discrimination provisions in their constitutions (Hallward-Driemeier et. al. 2013). Another study, focusing on the 1975-2005 period, found that countries with the lowest gender equality in family law all apply Islamic family law but that there is considerable variation among them.[23]

95 The greatest progress towards gender equality in the family has been made with respect to married women's legal capacity. In all but a few countries of Sub-Saharan Africa, married women can now sign contracts, initiate legal proceedings and open their own bank accounts. The most persistent constraints across world regions are those dealing with women's property rights and access to immovable assets: inequality in the inheritance rights of sons and daughters and in the property rights of surviving spouses. In addition, in some countries an adult married woman cannot be designated a household head on the same terms as her husband; neither can she seek a job or engage in trade or a profession without her husband's permission (Hallward-Driemeier et. al. 2013: Fig. 4).

96 The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) has played an important role in enshrining gender equality in the family globally. The Convention represented a watershed in family law when it went into effect in 1981.[24] After 2010, CEDAW had been ratified by 186 countries, although 39 did so with reservations (Byrnes and Freeman 2011, authors' update).[25] These reservations pertained mainly to Article 15, which stipulates that women's legal capacity should be "identical to that of men" and Article 16, which states that in marriage both spouses should have the same rights "in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property" (UN 1980, Part IV: 7-8).[26] The largest positive impact of CEDAW has been associated with the attainment of equal property rights between unmarried men and women, equal inheritance rights for daughters and widows, and several dimensions of legal capacity. This was felt most greatly in countries at lower levels of income and, in terms of inheritance rights, where the rule of law was weak. It should be stressed, however, that there is virtually always a gap between legal rights in principle and actual rights in practice, where the size of

the gap is influenced by state capacity among other factors. Thus it is helpful to think of laws enshrining gender equality as a necessary first but not only step towards gender equality in practice.

- 97 Laws that regulate inheritance and property ownership in relation to marriage have a significant impact on how wealth is distributed between husbands and wives. By the early 20th century, two broad marital regimes had emerged across different cultures. In separation of property regimes (a shared legacy of British Common Law, classical Islamic law, and the customary law of many sub-Saharan and Asian societies) each spouse retains ownership of the property acquired both before and during marriage, as well as any inheritance. If the marriage dissolves, each spouse exits the union with their separate property. In community of property regimes (a legacy of Roman law), all property acquired during a marriage belongs jointly to husband and wife; if the marriage is dissolved this property is split equally between them. Importantly, this regime recognizes the non-monetary contribution of wives (domestic and care labor) to the marriage.[\[27\]](#)
- 98 Another cross-culturally differentiating feature is inheritance. Countries with legal systems derived from British common law often enjoy greater testamentary freedom, whereas in the Roman legal tradition children become forced heirs to most of their parents' estate. A relatively unique feature of the latter tradition is that sons and daughters are entitled to equal shares. In contrast, daughters are entitled to only half the share of sons under some schools of Islamic law. Children inherit two-thirds of an estate, with only a third allowed to be freely willed. Dominant patterns of wealth ownership reflect the influence of different marital and inheritance regimes as will be illustrated subsequently.
- 99 Changes in the legal framework can have positive effects both on individual and family wellbeing. An analysis of the impact of inheritance reforms in two Indian states which equalized land rights of sons and daughters in the mid-1990s (prior to the 2005 reform of the Hindu Succession Act at the national level) found that it increased the probability of women inheriting land. The reform was also associated with an increase in the age at which daughters married (reducing the gender age gap at marriage), and with a positive increase in the years of girls' schooling (Deininger et. al. 2013).
- 100 Laws that regulate the age of majority and the age of consent for marriage, and social norms that influence actual marital age, are also important for individual well-being and gender equality in partnerships. Early age at marriage can deter schooling completion for both men and women, with life-long implications for their

earnings capacity, while early motherhood can have detrimental effects for the health and employability of women. Also, large age differences between husbands and wives can aggravate power imbalances within couples.

101 The age of consent without parental approval is usually fixed by civil law and in the great majority of countries it is 18 years or higher for both men and women; a few countries still maintain different ages of consent by sex, usually lower for women than men (UNDESA 2011). For example, minimum ages of marriage identified in Islamic family laws of different states vary, with several countries setting higher minimum ages of marriage for males than for females. A general pattern in women's rights advocacy is to seek the raising of the minimum age of capacity for marriage to the age of legal majority (sometimes identified separately in the civil code) with the age of 18 usually the target. Differences remain as to whether advocacy should include the prospect of exceptions for marriage below these ages, and if so how this might be managed without more broadly facilitating early or underage marriage, the reduction of which is a target for many social activists. Worth noting is that globally in 52 countries girls under 15, and in 23 countries boys under that age, can marry with parental consent (UNDESA 2011:1).

102 Since the 1970s the mean age at first marriage or union has been increasing for both men and women world-wide, and the gender age gap at marriage narrowing (UNDESA 2011). This trend is more marked in developed than in developing countries. In the US, for example, the mean age of legal marriage increased from 21 for women and 23 for men in 1970 to 27 and 29, respectively, by the late 1980s (Mintz 2015: 102). While the prevalence of adolescent marriage has fallen in developing countries, in a good number of countries in Sub-Saharan Africa and South Asia, 30% or more of women are married by the age of 18 (UNDESA 2011:1). A study of 28 developing countries found that the spousal age gap at marriage was largest in societies where the legal position of women had not significantly improved over time and smallest where the legal position of women had improved (notably in Southeast and East Asia, and Latin America and the Caribbean) (Casterline, Williams and McDonald 1986).

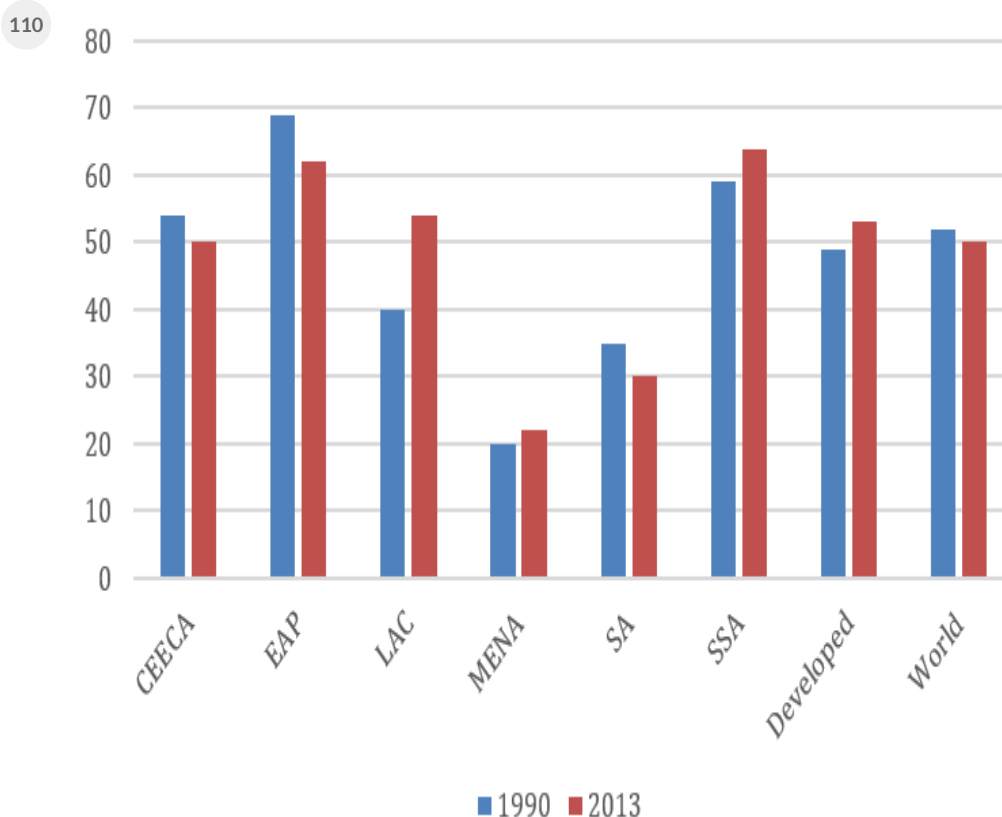
103 Finally, how marital or common-law breakups are regulated has a significant impact on the wellbeing of the individuals involved. Divorce potentially gives unhappy partners an exit option from insufferable marriages, and in the context of extant gender inequalities, its regulation is especially consequential for the wellbeing of women. Its viability is conditioned by marital and inheritance regimes, access to income for the more vulnerable partner post-divorce, and social norms.

- 104 As noted earlier, divorce laws have gradually become more liberal across the world. In the West, divorce based on mutual consent is now the norm. During the 20th century legal reforms in Muslim majority countries found various ways to constrain the husband's power of unilateral divorce (including awarding compensation payments to divorcées and expanding the divorcée's temporary rights to the marital home) and widened the grounds on which a woman could apply for divorce; but generally a structural imbalance remained. Since 1984 at least 10 Muslim countries have reformed their divorce regulations so that women as well as men can initiate a divorce or so that women can divorce their husband without his consent, parallel to the previous right of husbands (Hassani-Nezhad and Sjögren 2014: Table 1).[\[28\]](#)
- 105 How property is distributed upon a divorce imposes significant conditions on the ability of individuals to exit unhappy or abusive relationships. As noted above, community property marital regimes (where both partners are automatically entitled to half the community property), or where equal inheritance rights for sons and daughters prevail, make it easier for individuals to exit. In countries of the Common law tradition, such as the US and Canada, where separation of property regimes prevail, the trend over the past several decades has been towards the equal division of marital property upon divorce in recognition of wives' non-monetary contributions towards the marriage and child-rearing. This enables the more vulnerable member to exit with some level of financial security. It also has implications for offspring. A study of Brazil's extension of alimony rights to couples in consensual unions was found to be associated with an increase in women's leisure time and the school enrolment of the eldest girl among households in consensual unions compared to married couples (Rangel 2006); there was no significant effect on men's time allocation.
- 106 Ensuring viable exit options for unhappy partners can mean a difference between life and death. One study in the United States found that by increasing women's exit options from oppressive relationships through allowing for unilateral divorce, suicide rates for women fell dramatically while those for men did not change. This legal change was also associated with a decrease in intimate partner violence as well as femicide (Stevenson and Wolfers 2006). A study in Canada found that following a reform which improved women's financial position upon divorce, suicide rates among older married women were reduced while there was no change in the rate among younger unmarried women or men (Adam et. al. 2011).[\[29\]](#)

107 **2.1.2. Access to income and wealth: continuing gender gaps**

108 Over the past half century there has been a tremendous increase in women's labor force participation world-wide, with half of adult women in 2014 being economically active (ILO 2012).^[30] The increase in the share of households with more than one income earner in concert with rapid urbanization, rising educational levels, declining fertility rates and transformations in family composition, have had profound implications for all facets of family life. Nonetheless, the increase in women's labor force participation has been uneven both across and within different regions. In addition, the conditions of women's employment continue to disadvantage them compared to men; for example, in 2014 the average global gender earnings gap remained at 24% (UN Women 2015). Moreover, while the increase in women's labor force participation is often associated with gains in women's access to and control over income and wealth, as well as more egalitarian relations among couples, this relationship is not linear or straightforward, although there is evidence of positive synergies in some dimensions. Figure 17.1 outlines female labor force participation rates by region between 1990 and 2013.

109 Figure 17.1. Female labor force participation rates by region, 1990 and 2013



111 Notes: Regions are as follows: CEECA (Central and Eastern Europe and Central Asia); EAP (East Asia and the Pacific); LAC (Latin America and the Caribbean); MENA (Middle East and North Africa); SA (South Asia); SSA (Sub-Saharan Africa); Developed (developed countries).

- 112 Source: Compiled from UN Women (2015: Figure 2.1), based on ILO data.
- 113 Figure 17.1 illustrates the heterogeneity in women's labor force participation rates across world regions and how, globally, these have fallen slightly since 1990. This decline is driven by trends in East and South Asia and Central and Eastern Europe. In India, for example, women's labor force participation fell from 33% in 1994 to 28% in 2012 (Neetha 2014). The largest gains have been in Latin America and the Caribbean where the rate is now comparable to developed economies. While there have been gains in the Middle East and North Africa over the 1990-2013 period, this region continues to show the lowest rates of female labor force participation. The highest rate is exhibited by Sub-Saharan Africa where agricultural employment still predominates.
- 114 Men's labor force participation rates also fell globally between 1990 and 2013, from 81% to 77%, decreasing in every world region (UN Women 2015: Figure 2.1). The lowest male rates are currently found in developed economies (68%) and Central and Eastern Europe (69%). Overall, these trends mean that the gender gap among the economically active population has narrowed over this period, being smallest in developed countries and in Sub-Saharan Africa.
- 115 Although there have been important structural shifts globally in the sectoral composition of the labor force with the growth of manufacturing and the service sectors, women's employment in developing economies remains largely concentrated in family-based agriculture or informal work (ILO 2012). A substantial share of women in the labor force in developing countries are unpaid family workers (or "contributing family members"). This means that women who are economically active do not necessarily have access to their own income. Patriarchal practices are central to this phenomenon. For example, men on family farms are more likely to be landowners or leaseholders and considered the primary farmer (self-employed), with women as their helpers. In India, of the 56% of women who are not formally employed, more than 60% are unpaid contributing family workers (Neetha 2014). The lack of ownership of land and other assets, in line with traditional social and cultural practices, are critical factors that lead to women's concentration in unpaid work and the resultant undervaluation of their economic contribution within these societies. In Latin America, women are more highly concentrated in informal, unregistered wage labor; for example, while just under half (47%) of the total working population in Latin America lacked pension protections as of 2008, three-quarters of paid domestic workers –overwhelmingly women- lacked them (ILO 2010). All these factors reduce women's income compared to that of men, with implications for gender equality in families.

- 116 The potential for women's labor force participation and earnings to generate gender equality is also limited by a persistent gender wage gap. The gender wage gap –that is, what women earn compared to men for every hour worked- has been well-documented. In developed countries, this gap has shrunk over the past half-century, as women and men have developed similar levels of human capital, both in education and labor market experience. In the United States, by 2014, full-time female workers earned 79% of what men did annually from about 60% in the 1950s (Blau and Kahn 2016). The gender pay gap is even lower in Scandinavia and Southern Europe (Olivetti and Petrongolo 2016).[\[31\]](#)
- 117 Yet even as the objective characteristics of men and women in the labor force have become more similar, a persistent “residual” discrepancy in earnings between males and females has remained. This residual gap is caused by discrimination, unequal bargaining conditions, different probabilities of career interruption (Goldin 2014; Goldin and Katz 2011) and occupational segregation, where women are often concentrated in occupations that suffer from what economists such as Nancy Folbre (2012) refer to as the “care penalty”. Apart from white collar women, low-wage work in developed economies remains heavily racialized and gendered, contributing substantially to the gap, particularly in the service sector (Mutairi and Boushey 1997).
- 118 In developing countries, the gender wage gap has largely been maintained through the gendering of occupations and tasks. Female-dominated occupations generally have lower wages. Further, in occupations where male workers are replaced by female workers, wages are found to stagnate or decline over time. This pattern has been well documented in the context of the garment industry in India and Bangladesh (Custers 2012; Ghosh 2009). This pattern comes from the low reservation wages of women, rooted in the devaluation of domestic labor and the status of women as secondary earners. This limits the positive impact that gains in education could have on gender wage gaps (Kabeer and Natali 2013). In export industries, highly informal sub- contracting arrangements employ women as part of a flexible workforce that hires and fires with fluctuations in export demand (Custers 2012). Women are sometimes home-based workers, where employers exploit systems of familial control, values, and cultural practices to create a docile, severely underpaid labor force (Cook and Dong 2011). In the service sector, increased female employment comes with a high degree of gender segmentation and wage gaps (Mazumdar 2006). Formal employment in teaching, nursing and other care work are all extensions of women's unpaid work, and are undervalued vis-à-vis the jobs that men do (the “care

penalty”). Even modern service industries such as IT and financial services show a prevalence of patriarchal structures, with women concentrated in the lowest paying occupations.

- 119 Overall, the increase in women’s wage work and self-employment has brought income into the hands of women and improved the economic well-being of their families. In developed countries, families where both parents work are less likely to be in poverty (Esping-Andersen 2009). For developing countries, a range of studies indicate broad gender differences in the practice of pooling earned income, with men often retaining some discretionary income and women pooling most of theirs, particularly when there are children at home (Bruce and Dwyer 1988; Deere and León 2001).
- 120 Whether earning income improves women’s position in marriage, largely depends on whether women are able to control the income that they earn. A study found that in 13 of 44 developing countries surveyed, 10% or more of the women sampled reported that they were not involved in decisions regarding the use of the income that they themselves earned (World Bank 2012: Fig. 2.9).^[32] Women in the poorest households are more likely to be uninvolved in such decisions compared to wealthier households. Malawi presents the most extreme case, with 45% of women in the lowest quintile not participating in this decision, compared to 13% in the top income quintile.
- 121 Gender differences in labor force participation rates, earnings and control over income, combined with gender inequality in marital property regimes and inheritance, often result in husbands tending to have more wealth than wives. The most rigorous study of the gender wealth gap in a developed country to date, based on 2002 data for Germany, found that the mean net wealth of women was 69% of that of men; this gender wealth gap was greater for married women, who on average owned 64% of the wealth of men. The main factor explaining the gap was a person’s own income and labor market experience, although there was some variation depending on their household’s position in the wealth distribution (Sierminska, Frick and Grabka 2010).
- 122 In terms of developing countries, the first large-scale surveys of individual wealth ownership that measured the intra-household distribution of wealth found tremendous differences across world regions. Nationally representative surveys in Ecuador and Ghana in 2010 reveal that in the former, partnered women own 44% of the wealth of the couple, compared to only 19% in the latter. A similar survey in the state of Karnataka, India found that partnered women owned only 9% of couple wealth (Deere et. al. 2013). This study argues that the governing marital and inheritance regimes largely

explain these cross-country differences. In Ecuador, the default marital regime is partial community property, and inheritance laws treat children of both sexes equally. Assets such as land, housing and other real estate tend to be owned jointly by spouses. In Ghana and India, where separation of property is the default marital regime, these assets are predominantly owned by men. Moreover, in both countries, sons are privileged in inheritance, resulting in a much lower share of wealth owned by partnered women.[\[33\]](#)

123 In South Asia, Latin America and Sub-Saharan Africa, most land owners are male, and men own more land than women on average (Agarwal 1994; Deere and León 2001; Doss et al 2015). The primary means through which agricultural land is acquired is inheritance. Thus gender biases favoring men in inheritance – whether in law or cultural practices – end up reproducing gender inequality within households and families. In more urbanized developing countries, housing rather than land is the most important component of household wealth. Data for Latin America suggest that ownership of the main residence is more equitably distributed than the ownership of land; nonetheless, in most countries, the larger share of homeowners are still men (Deere et. al. 2012).[\[34\]](#) All these factors reduce women's wealth compared to that of men, with implications for gender equality in families.

124 Gender wealth inequalities among couples often originate in what each partner is able to bring to marriage. Through local surveys conducted in six developing countries, a study suggested that husbands considerably exceed wives in either the number or the value of assets that they bring to marriage (Hallman et. al. 2005). This is partly due to the fact that husbands tend to be older than their wives, and are thus more likely to have earned incomes that allowed them to purchase assets. But it also reflects gender biases in inheritance, particularly where inheritance takes place at the time of marriage. The study also found that although age and schooling gaps among couples tended to decrease over time, the gender asset gap increased or stayed the same.[\[35\]](#)

125 Research has shown that more equal access to income and wealth among husband and wife has positive effects on shared decision-making, more equal work burdens and improved family wellbeing. A study of women in rural Bangladesh found that women who earned income had more say in purchasing decisions (Anderson and Eswaran 2009; Kabeer 1999). Women's land ownership in Nepal was found to be associated with their having more autonomy not only in purchasing but also over their own healthcare and visits to family and friends, important for broader family wellbeing (Allendorf 2007). In the case of Ecuador, a study of how couples make decisions

on whether or not to work and how to spend income found that women's share of couple wealth is a significant predictor of egalitarian decision-making (Deere and Twyman 2012).[\[36\]](#)

- 126 The size of a woman's dowry (when it is legally the property of the wife) has been found to be positively associated with the probability of husbands' doing domestic labor in Taiwan (Zhang and Chan 1999) and rural China (Brown 2009). This latter study also found that the size of a woman's dowry was positively related to the relative amount of time she dedicated to leisure activities, to household expenditures on "women's goods", and to her satisfaction with life. A small-scale study in Uganda focused on perceived differences in wealth and income among husbands and wives and found that husbands are more likely to participate in childcare when wealth was considered to be equally distributed or shared than when there were differences among the spouses (Nkwake 2015).
- 127 For this chapter, we accessed time use surveys of individuals and their spouses from the Family and Changing Gender Roles IV Survey undertaken by the International Social Survey Program (ISSP) in 2012. Complete data used in this analysis are available for 23 countries (21 developed economies plus Mexico and South Korea), with a total of 13,339 observations. Our findings, in line with the rich body of empirical research on the economics of the family for developed economies, indicate that women earning wages reduces the number of hours that they spend on family work per week.
- 128 Studies have also focused on the relationship between women's income and assets and other indicators of women's wellbeing, such as health and the incidence of intimate partner violence (the latter discussed in Part 2.1.4.b). For example, in Indonesia, women's share of assets is associated with their obtaining prenatal and delivery care (Beegle et. al. 2001). A higher female share of owned assets and income in marriage is also associated with improved outcomes for children – whether health outcomes in South Africa (Duflo 2003), Ethiopia (Fafchamps et. al. 2009), or Nepal (Allendorf 2007), schooling attainment in Africa (Kumar and Quisumbing 2012; Doss et. al. 2014), or both in urban Brazil (Thomas 1990) and Vietnam (Menon et. al. 2014).[\[37\]](#) Studies of household budget shares have shown that women's ownership or share of assets is related to greater expenditures on education in Bangladesh, India and South Africa (Quisumbing and Maluccio 2003) or in Ghana, on education and food (Doss 2006).
- 129 In sum, there is substantial evidence that women's access to income and wealth is positively associated with an increase in their bargaining position within the household, more egalitarian gender relations and enhanced family well-being.

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One of the main factors limiting women's labor force participation as well as the returns to their labor is the gendered division of unpaid labor in the family. Across the world, women bear more responsibility for unpaid housework and care labor than men. As noted in the introduction, in industrialized Western societies, the gap in the distribution of non-paid labor and care work among men and women has decreased considerably, although significantly more so in some countries than others; moreover, time use studies show that fathers are increasingly spending more time with their children (O'Brien and Shemilt, 2003; Gauthier and DeGusti, 2012; Nordenmark, 2016). In no country, though, has this gender gap been eliminated. In most of the developing world, care and domestic labor still remains almost the sole responsibility of women, limiting their ability to enter the labor force or make full potential of their resources in the labor market. Overall, women's total labor time (paid and unpaid) tends to exceed men's, reducing their access to leisure and rest.

132

These traditional gender roles tend to be reinforced when couples have children. Across cultures, being married and the presence of small children are found to lower the employment rates of women; the opposite is true for men (UN Women 2015; Esping-Andersen 2009; Alvarez and Miles 2006; Folbre 1994; Fortin 2005; Beblo and Wolf 2002). Indeed, men may typically receive what is referred to as a "fatherhood premium" (Budig 2014; Budig and England 2001; Budig and Hodges 2010; Gangl and Ziefle 2009; Killewald and Gough 2013). Many mothers exit the labor force or reduce their work hours upon having children, especially if they have a stable partner who works (Baxter, et.al. 2015; Evertsson 2012; Gangl and Ziefle 2009). In some cases, employers discriminate a priori on the basis of sex and gender role expectations and avoid hiring mothers of young children (Blofield and Madalozzo 2016; Budig 2014; Correll and Benard 2007; Heymann 2006).

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Research shows that while a share of mothers prefers to stay at home with their children, especially in the first years, the availability and acceptability of alternative care arrangements increases mothers' labor force participation rates. This indicates that when given the option, many women prefer to remain in the labor force after having children (Boeckmann, Misra and Budig 2014; De Laat and Sevilla-Sanz 2011; Mannberg and Sjogren 2015). Indeed, a variety of cross-country analyses have demonstrated that expanding access to paid leave, childcare, tax incentives for second earners, and flexible scheduling has increased women's labor force participation across OECD economies (Thévenon 2013). The literature on Latin America shows similar results; studies have found that access to affordable early childhood education and care (ECEC) or full-day

school has a positive effect on mothers' labor force participation rates (Blofield and Madalozzo 2016; Contreras et al. 2010; Heymann 2006; Medrano 2009). Other studies show that access to formal ECEC enables mothers to change the nature of their participation from part time to full time (Hallman et al. 2005; Chioda 2011) and to switch from informal to formal work (Chioda 2011; Heymann 2006).

- 134 But without changes in the norms that dictate the division of domestic labor, well-intentioned policies can backfire. Extended stays of paid leave and abundant part-time options risk “mommy-tracking” career-oriented women into part-time or lower level positions (Blau and Kahn 2013).^[38] Thus, the challenge lies equally in fostering more paternal co-responsibility and a change in the division of labor at home.
- 135 Studies show that when fathers participate more in care and housework, mothers are also more likely to work. So-called “father’s quotas”, which are individual non-transferable entitlements to paid parental leave, have been a way to provide strong incentives for men to become more involved at home (Moss, 2015). The literature on developed countries shows that such policies enable fathers’ increased participation in care, also after the leave is over (Arnalds, Eydal and Gíslason 2013, Castellanos 2015, Nepomnyaschy and Waldfogel 2007, Ottosen 2014, Tanaka and Waldfogel 2007). Research has shown that participation of fathers in care of their children at young age has a broad range of benefits for family well-being: it results in stronger bonding between fathers and children, improves outcomes (social, behavioral and psychological) for children, contributes to more stable family life (it is less likely that parents get divorced), better health and life satisfaction for fathers and increases gender equality both at home and in the labor market (O'Brien (<http://ann.sagepub.com/search?author1=Margaret+O'Brien&sortspec=date&submit=Submit>) 2009; Sarkadi et al. 2008; Huerta, et al 2013; Johansson 2010; Moss 2015; Patnaik 2015; Ray, Gornick and Schmitt 2009).
- 136 Even when the gender gap in employment is due to preferences – mothers genuinely prefer to stay home with the children, and fathers prefer to work outside the home- it can aggravate gender inequalities within the family due to the reduction in women’s income vis-à-vis men, with the effects outlined earlier. It can also endanger the material security of the family as a whole. These work interruptions reduce the wages and social protections of low-income households, increasing the financial hardship of these families. They also make old age poverty among women specifically more likely (ECLAC 2009; ILO/UNDP 2009; Martínez Franzoni 2008; Martínez Franzoni and Voorend 2011; Gerecke 2013; ILO 2012). Over-all,

evidence from advanced industrialized countries and Latin America indicates that dual-income families are less likely to be in poverty (ECLAC 2009, 2011; Esping-Andersen 1999; 2009).

137 When wives participate in the labor force equally with husbands, they still shoulder a larger share of the unpaid labor at home, even when they earn as much, often resulting in higher total work burdens at the cost of leisure and rest (Evertsson and Nermo 2007; Debbie 2008; Tsang et al 2014). In fact, some evidence even suggests that women's unpaid labor may actually be *increasing* over time in developed countries, especially over the past decade (Antonopoulos & Hirway 2010).[39] Hence the results support the importance of enhancing opportunities of men, in particular fathers, to participate in housework and care of their children and family in order to create equal opportunities for both men and women to earn and care.

138 The differential impact of these gender roles on women and men can, to an extent, be "equalized" by outsourcing. Women in developed countries ameliorate the "second shift" at home by using their earnings on market substitutes of domestic work (Hochschild 1989). Many studies establish a positive association between wives' earnings and household expenditure on such substitutes (Cohen 1998; de Ruijter, Treas and Cohen 2005; Gupta 2006 and 2007; Gupta and Ash 2008; Killewald 2011). A study on UK households found that when wages are relatively equal, there is a reduction in wives' domestic work but no corresponding increase in husbands' (Washbrook 2007). This implies that wives had to use their earnings to purchase substitutes for domestic work (and that husbands did not take up domestic responsibilities).[40] Tsang and co-authors (2014) also suggest similar trends for outsourcing of domestic work in Europe.[41]

139 In many developing countries, and increasingly in many developed countries, families that can afford to employ paid domestic workers, who, given high rates of poverty and inequality either domestically or globally, are relatively cheap for the well-to-do (Hohschild 2001; Hondagneau-Sotelo 2001; Palriwala and Neetha 2011; Parreñas 2015). This has enabled women and mothers in higher income families to diminish the effect of traditional gender roles on their working lives by taking advantage of the cheaper labor cost of working class women. Indeed, states have historically 'subsidized' this form of labor by maintaining discriminatory labor laws toward paid domestic workers, mandating longer legal work hours and lower benefits and protections (Blofield 2012). In Latin America, the region with the highest economic inequalities in the world, paid domestic workers make up a sizeable 15 percent of the urban female labor force (ILO, check year).

This dynamic of paid domestic labor points to an important element when we assess gender equality in relationships: within-family inequalities differ across socio-economic classes. In other words, inequalities between families affect and are affected by inequalities within families, in the following ways. First, as women have become more educated, we see more marital homogamy; that is, highly educated professionals tend to marry each other, thus earning higher incomes (Mintz 2015). At the same time, unequal gender roles tend to be less entrenched among more educated couples. As a result, these couples are better able to outsource, and at the same time more likely to share in domestic tasks, thus reducing the double burden on the woman (Esping-Andersen 2009; get more cites).

Where the double burden tends to be most deeply felt is among lower income women, especially mothers, pointing to the deep differences between families of different socio-economic status. Lower income women are less able to out-source a share of their domestic burden given their lower purchasing power, at the same time as they are less likely to have participatory partners at home. Partly due to these factors, while fathers' employment levels are rather constant across income quintiles, mothers in lower income quintiles are less likely to be employed than mothers in higher income quintiles, across countries. The employment gap between women from the highest and lowest income quintiles is the highest in Latin America, where it tends to be about 30% (ECLAC 2012). In OECD countries it varies widely, with the lowest ones in the Scandinavian countries and the largest in the Southern Mediterranean countries. Anglo Saxon countries fall somewhere in between these extremes. In Sub-Saharan Africa and other areas of the world where rural subsistence economies predominate, gaps are lower due to the fact that men and women both work in agriculture, though they do not always have equal access to the fruits of their production, as discussed earlier.

Lower-income women, when employed, are likely to be in the informal sector, in many cases, working as nannies or maids for the well-to-do. These low-income working mothers are likely to experience particularly high levels of stress compared to fathers as they juggle the competing demands of work and family with few resources (Heymann 2006; Blofield and Madalozzo 2016). While the vast majority of mothers continue to reside with their families, an increasing number respond to the demand for domestic workers in middle and upper income families in locations further from their homes. They migrate domestically from rural to urban communities or internationally from poor to rich countries, often leaving their children behind to be cared for by other women. The migration of women results in an "international division of reproductive labor"

(2000), or what Hochschild (2000) has renamed as a "care chain." Women burdened by the double day find relief through the services of a migrant domestic worker, most often female, who in turn relies on another woman to care for a family they have left behind in the process of migration.

143 This trend interacts with globalization. There is evidence of a substantial increase in economic migration by women, both within and across borders. Women migrants have been significant in cross-border labor movements, especially within Asia and in the Americas, and their remittances have played an important role in sustaining families and economies. Women from developing economies who migrate to be employed in domestic and care work form the dominant contributing category in the transnational migration of women (ILO 2013). Due to the personalized nature of this work, informality of labor contracts and the difficulty of monitoring conditions, such employments can take place under extremely difficult conditions, with low pay, little or no limits on working hours, lack of autonomy and respect of the workers, and almost nothing in the form of worker protection or social security.

144 **2.1.4.a. Bodily integrity: reproductive autonomy**

145 Bodily integrity -both in terms of sexual and reproductive autonomy and freedom from violence- are fundamental aspects of individual and family wellbeing. The state plays an important role in ensuring (or not) the bodily integrity of individuals within –and beyond- families. While states provide the framework in which couples are able to make the choice whether or not to bear children without undue hardship--whether physical, financial, or psychological— couples and particularly women should be free of coercive state encroachment on reproductive decisions.

146 Reproductive autonomy is particularly relevant to women and girls, as “the capacity for reproduction uniquely differentiates women from men” (Borchorst 1994). The ability to have children when one chooses to, and to avoid or terminate unwanted pregnancies, is an important element of this. While male partners may be involved and affected, the consequences of the inability to avoid or terminate pregnancies, and to choose when to have children, weigh much more heavily on women and girls. Terminating a pregnancy in unsafe conditions can result in bodily harm and even death of the woman, while carrying a child to term also holds significant health risks, especially in less developed countries. Unwanted pregnancies affect the short, medium and long term schooling and careers of women to a much larger extent than men, reinforcing gender inequalities in

relationships. Finally, in terms of the family as a whole, unintended or unwanted pregnancies are more likely to result in children living in poverty.

- 147 Control over reproduction and family planning has historically been in male hands, whether male heads of households, male religious authorities, or male state leaders. Individual autonomy in reproductive decisions has gradually been accepted as a dominant principle, although not without contestation. Concerns about public health, in particular, have driven practical concerns in the context of high rates of clandestine abortions and unwanted pregnancies, particularly among poor families. Progress has been slow and uneven. For example, in the United States, it was only in 1972 that the right of unmarried women to birth control was affirmed in a Supreme Court decision, following a century of very restrictive regulation of family planning.
- 148 In developed economies, liberalized access to contraception and abortion has provided women with the freedom to plan reproduction around their education and career instead of being forced to prioritize their domestic obligations (Goldin and Katz 2002). Assisted by legal and policy changes, women over the past half century have been able to make the requisite investments in education that increased the demand for female labor and raised female wages. Along with these changes, medical advances have given women and couples more control over reproduction, both in prevention, termination, and assisted reproductive technologies such as in vitro fertilization.
- 149 In terms of actual behavior, there has been a massive decline in fertility rates across the world over the past half century; the global fertility rate has been halved from 5 children per woman in 1960 to 2.5 in 2012 (World Bank), paralleling economic changes, urbanization and, importantly, the changing status of women, particularly in terms of education and labor force participation (Lee 2009; Bhalotra & Umaña-Aponte 2010; Piras and Ripani 2005; Cruces and Galiani 2004; UN 2009). In 2014, all countries with fertility rates higher than 4.5 per woman were, with the exception of Afghanistan and East Timor, in sub-Saharan Africa, and they all have low levels of development and low status of women.
- 150 Despite this massive fertility decline, 40 percent of pregnancies worldwide are unintended. This is not simply a problem of developing countries; in the United States, half of pregnancies are unintended (Alan Guttmacher Institute (AGI) 2014; Sedgh et.al. 2016). While unintended pregnancies are problematic across all age and income groups, they are particularly so with girls. In fact, scholars consider teenage pregnancy rates to be a “negative indicator...of the current

wellbeing of teenage girls” (Micklewright and Stewart 2000: 68). Studies have repeatedly found that pregnancies among teenagers tend to be the result of lack of information about and access to contraception. They can also have lasting socio-economic effects; as the Alan Guttmacher Institute observes, on the basis of a worldwide study on teenage pregnancies, “Teen pregnancies are associated with poor social and economic conditions and prospects for women, potentially compromising their educational and economic opportunities, or they might be a marker of the environments in which young women live” (AGI 2015:1).

151 Closely linked to unintended pregnancies, an estimated 225 million women worldwide have an unmet need for modern contraceptives (Singh et.al. 2014). Globally, 25 percent of pregnancies end in induced abortion, mostly as a result of unintended pregnancies, with a higher rate among married women. The rate in developed countries for the overall number of abortions per 1,000 women of childbearing age (15–44 years old) is lower, at 27 per 1000, down from 46 in the early 1990s, while in developing countries it has remained roughly the same at 37 per 1000 women (Sedgh et.al. 2016).

152 When performed by trained professionals, induced abortion is very safe for the woman. However, restrictive laws are not only ineffective in reducing the incidence of abortion but also force the procedure underground. The abortion rate in countries where abortion is prohibited altogether or permitted only to save the woman’s life is 37 per 1000 woman, while the abortion rate in countries that allow it on demand is 34 per 1000 women (AGI 2016b; Sedgh et al.). The main difference is that in countries that restrict access, almost seven million women are annually treated for post-abortion complications, and many who should be are not; it is estimated that 40% of those needing treatment do not receive it (AGI 2016b).

153 The experience of Latin America and the Caribbean illustrates this well. While abortion laws are almost uniformly restrictive in the region (fewer than 3 percent of women in the region live in countries where abortion is broadly permitted), it is estimated that 6.5 million abortions are performed annually, and the number is on the rise. In effect, abortion is used as a method of birth control in a context of unmet needs for contraception and a high incidence of unintended pregnancies. Of the 6.5 million women having an abortion, it is estimated that 12% receive treatment for complications from unsafe abortions, often involving hospitalization (AGI 2016b). The high levels of complications these women experience, most of whom are married and already have at least one child at home, have extensive negative health consequences for the women, not to mention the economic costs on the women, families and the state, or the

psychological trauma of the complications and their often inadequate treatment in hospitals on the women (AGI 2016a). Finally, women who suffer post-abortion complications are much more likely to be poor, reflecting state failure to ensure reproductive autonomy for especially poor women (Blofield 2008).

- 154 In this context, countries that have best managed to provide women and girls with the ability to exercise reproductive freedom are ones that have provided comprehensive family planning services, including sex education from an age when girls and boys begin sexual relations (rather than when authorities think they should start), access to contraception through public or subsidized health services, and access to abortion services on demand. In such contexts, abortion is used as a relatively rare last resort. Western European countries, aside from Ireland, have liberal abortion laws, widespread access to family planning, and low abortion rates, with virtually all abortions performed safely. Women and girls have the ability to largely avoid rather than terminate or carry to term unwanted pregnancies.
- 155 Aside from state regulation, authorities have grappled with the role and rights of the sexual partners of women, and the parents of girls, on issues of reproductive choice. The global trend has been to eliminate husbands' rights to veto wives' decisions in access to contraception and abortion. In the United States, where abortion regulations remain a highly controversial issue, 38 U.S. states require parental involvement in the case of abortion for minors (AGI 2016c) despite evidence that such restrictions have led to clandestine abortions and even deaths from complications.
- 156 The other side of reproductive autonomy is the ability to choose to *have* children regardless of material and family circumstances, and to bear and raise a child without undue physical, financial or social hardship. The most basic measure of this is maternal mortality. Efforts to reduce maternal mortality, bolstered by the Millennium Development Goals, have resulted in a 44% drop in rates between 1990 and 2015. Still, 830 women die from maternal mortality every day, and 99% of these women live in developing countries (WHO 2015). These deaths are largely preventable.
- 157 The financial and social aspects of this dimension—bearing and raising a child without hardship-- will be addressed in more detail below in the adult-child relationships section. Data from OECD countries suggests that the ideal family size of couples in the West tends to be around two children (Esping-Andersen 2009). Some countries face problems of 'fertility crises', where fertility rates have dropped to way below replacement level. A very low fertility rate is

problematic not only because it contradicts the expressed desires of couples, but because it is problematic for societal wellbeing in the long term (Esping Andersen 2009).

158 2.1.4.b. Bodily integrity: intimate partner violence

159 There is no manifestation of individual harm in a relationship more severe than intimate partner violence (IPV) – physical, sexual, emotional and economic violence suffered by a person, in the vast majority of cases, a woman, at the hands of a current or former partner.[42],[43] A recent World Health Organization (WHO) report considers IPV prevalence to be at “epidemic” proportions; 30% of women world-wide who have been married or have been in a consensual union have experienced physical or sexual violence (WHO 2013).[44] IPV rates vary by region, with the highest incidences of lifetime violence being reported in South East Asia, the Middle East, and Sub-Saharan Africa, and the lowest in high income countries as well as East Asia.[45] The high IPV prevalence has tremendous economic, social and health consequences for women, their families, communities and societies.

160 A stark example is homicide. WHO (2013) estimates that 38% of all female murders globally (compared to only 6% of male murders) are perpetuated by a current or former spouse or partner. The median prevalence of femicide is highest in South East Asia (55%), high income countries (41%) and Sub-Saharan Africa (40%).[46] Almost half of the women who experience physical or sexual IPV report sustaining physical injuries requiring medical assistance. Compared to women who have not experienced IPV, women who have experienced abuse are more than twice as likely to have experienced an unintended pregnancy that ended in induced abortion, almost twice as likely to experience depression, and more likely to have a premature or low-weight birth (WHO 2013: Table 6). The economic consequences are large, ranging from direct health costs to the indirect costs of lost work days, earnings and lower productivity. In the US, the Centers for Disease Control and Prevention estimate that in 1995 the direct mental health and medical costs of IPV reached US\$ 4 billion (in Morrison, Ellsberg and Bott 2007). The indirect costs from lost earnings, productivity and taxes in the 1990s was estimated as equivalent to 1.6% of the GDP of Nicaragua and 2% of that of Chile (Ibid.)

161 Decades of research across disciplines in both developed and developing countries suggest a series of individual, relational, community and societal risk factors associated with *both* women becoming victims of IPV, and men becoming perpetrators (Morrison et. al. 2007; WHO 2010; Abramsky et. al. 2011). Individual risk factors include witnessing their mother being the victim of abuse,

experiencing physical or sexual abuse themselves as a child, the harmful use of alcohol as a trigger factor, and the acceptance of violence as justifiable behavior. Protective individual factors for IPV include higher education, specifically women and/or men having completed secondary school. Relational risk factors include controlling behavior by the husband, marital discord, and large age and educational gaps between spouses. Community-level risk factors include high neighborhood unemployment, poverty and/or crime rates, a high proportion of illiteracy, and presence of individuals who justify wife beating.

162 Gender inequality is strongly associated the high rates of IPV. WHO studies emphasize that IPV is most prevalent where traditional gender norms based on male authority and control over women prevail:

163 “...gender inequality and male dominance reduces the opportunities for women to be involved in decision-making at every level; decreases the resources available to women; and increases acceptance of the use of violence against women. Furthermore, it contributes to gender-based inequalities in health and access to health care; in opportunities for employment and promotion; in levels of income; in political participation and representation; and in education. Thus, macro-level interventions that increase structural supports and resources that decrease gender inequality—as well as interventions to reduce gender inequality at the community and individual levels – may serve to decrease intimate partner violence and sexual violence” (WHO 2010: 26).

164 Considerable scholarly attention has been given to the relationship between a woman’s status in family and society and the incidence of intimate partner violence (IPV). Most studies focus on whether women’s education, employment and/or earnings act as deterrents to IPV. Systematic reviews of the evidence from developing countries find that the most consistent result is that women’s education is associated with a lower risk of physical violence, particularly, their having completed secondary schooling (Vyas and Watts 2009; Abramsky et al 2011). Whether women are economically active is not associated with any consistent pattern in developing or developed countries for various reasons. While a number of studies have found a negative relation between women’s employment and/or income and the odds of IPV, supporting the bargaining power hypothesis (Farmer and Tiefenthaler 1997), others have found no relation, or even a backlash effect.^[47] One of the main empirical problems in analyzing the precise relation between women’s employment and IPV is that both the likelihood of employment and a lower risk of violence may be due to the same factors, unmeasured characteristics of the woman (a problem known

as endogeneity).[48] Studies that control for endogeneity, either econometrically or by using experimental methods, tend to find support for the bargaining power hypothesis, such as among poor women in the US (Gibson-Davis et al 2005), and in Mexico (Villareal 2007) and Uttar Pradesh in India (Bhattacharyya et. al. 2011).

165 In the context of developing countries it has also been argued that women's access to employment or income might not strengthen women's fallback position in as powerful a way as might their ownership of assets (Panda and Agarwal 2005). Much depends on the type and quality of employment and whether women directly control the income they earn. Moreover, assets may provide more security than income since ownership of a dwelling or land may provide women with a concrete exit option, a place to move to. The potential protective role of homeownership when women themselves own a dwelling has been confirmed in recent studies in India (Ibid; Bhattacharyya et al 2011; ICRW 2006) as well as the United States (Resko 2010). Evidence of such a relationship in the case of land, however, is mixed, with some studies finding that it is associated with reduced risk of IPV (Panda and Agarwal 2005) and others finding no effect (ICRW 2006), and still others that women's land ownership increases the likelihood of lifetime physical violence, such as in Uganda, where women owning land goes strongly against traditional norms (Ezeh and Gage 2000). Another study, drawing on the extensive literature on the role of couple status differences, suggests that rather than examining the ownership of particular assets (whose importance may vary depending on the context), women's ownership of assets should be examined relative to their partners. In Ecuador women's share of couple wealth was found to be a protective factor against physical IPV, and in Ghana, against emotional abuse (Oduro, Deere and Catanzarite 2015).

166 In the US, IPV declined dramatically between 1993 and 1998, falling 21%. This decline has been associated with the expansion of legal assistance programs across the US after the Violence against Women Act of 1994 was passed (Farmer and Tienfenthaler 2003). Ease of access to protective orders and assistance with custody issues and child support all strengthen women's fallback position by making exit from a relationship more feasible.[49]

167 All these dynamics highlight the crucial role that the state plays in ameliorating –or aggravating– gender inequalities. Recognition in the global arena of the gravity of IPV for families and society and of women's right to live a life free of violence is a relatively recent phenomenon. The United Nations Declaration on the Elimination of Violence against Women, which recognized violence against women as a violation of women's human rights, was a product of the 1993 World Conference on Human Rights held in Vienna. The 1995 Beijing

Declaration which resulted from the Fourth UN World Conference on Women provided even stronger condemnation and an agenda for action. Subsequently, the issue was incorporated into the CEDAW reporting process by states. Regional conventions, such as the 1994 Belém do Pará Inter-American Convention on Violence against Women and subsequent treaties and resolutions in Africa, Europe, and the Middle East have played important roles in galvanizing states to develop more comprehensive legislation against IPV, including its criminalization, and to begin to address the causes and consequences of violence against women (Htun and Weldon 2012).^[50]

168 Htun and Weldon (2012) studied the factors associated with the adoption of policies and programs to stem violence against women in different countries, including legal reform, the provision of services to victims, and prevention. Analyzing 70 countries over four decades, they found that the most important factor explaining policy changes in support of eliminating gender violence was the autonomous mobilization of women, both nationally and globally.^[51] Further, they demonstrate that the impact of global and regional norms on domestic policy very much depends on the vibrancy of national feminist movements as well as having an effective women's policy machinery within the state. Most studies conclude that a comprehensive effort is required at all levels (individual, relational, community and societal) to reduce the prevalence of IPV and provide victims of abuse with access to justice and appropriate services (Morrison et al 2007; WHO 2010). There is consensus that much depends on changing social norms among both men and women, and that strong legislation sanctioning IPV and promoting gender equality is but the first step.

169 For the over-all well-being of current and former partners and their families, policies that give the more vulnerable member viable exit options without suffering devastating financial, physical or emotional consequences are crucial. These policies can be wide-ranging, but key ones involve ameliorating the unequal economic effects that having children tends to have on women versus men, as well as providing the necessary legal, economic and social tools for the more vulnerable member to have the capacity to maintain their own household in the event of relationship rupture (see for example, Orloff 1993). Having such viable exit options also allows couples to foster meaningful, positive relations.

170 In addition, partner relations exist within a broader community. Aside from the state, factors outside of the household such as the extended family and the community also play an important role both directly and indirectly in providing the conditions for fulfilling, meaningful and egalitarian relationships. The extended family can enhance women's access to resources and ensure that they are able

to exercise control over these resources. Their support may also reduce marital conflict, particularly, where sons and daughters both inherit land and post-marital residence may just as likely be uxorilocal (near the wife's family) as patrilocal, such as in portions of the Andes of South America (Deere and León 2001). Social norms are often most keenly felt at the community level, particularly sanctions in support of traditional gender roles and behavior. But communities are also an important driver of change, such as when women organize to form their own organizations. The literature on women's empowerment shows how women's organizations can enhance women's self-esteem and how organized women may influence social norms, leading to positive changes in intra-household relations and bargaining power (Rowlands 1997; Agarwal 1997; Pearse and Connell 2016).

171 In sum, there is good evidence that the overall tendency towards more gender equitable family law and greater gender equality in education, labor force participation, and asset ownership, is associated with increases in improvements in women's bodily integrity, and improvements in the wellbeing of the family as a whole. At the same time, these links are not automatic, and require concerted efforts by the state to both provide and enforce a legal framework in support of gender equality.

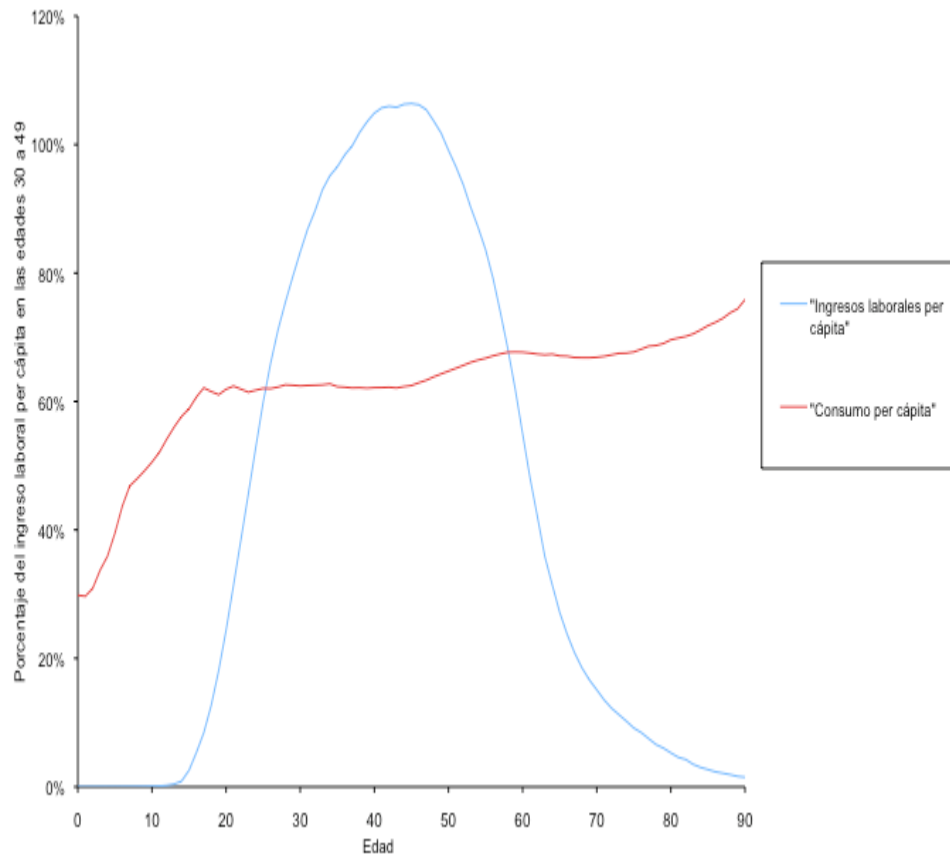
172 **2.2. Adults and children**

173 One of the most important functions that families serve is the rearing of children. This section considers how societies can support families in providing the caretaking and human development that children need to become flourishing adults, while at the same time ensuring children's individual dignity and protecting them from harm. To do so, we consider three key dimensions of children's wellbeing: ensuring material provision for children; supporting caretaking for the emotional, social, and human development of children; and protecting children from abuse and neglect.[\[52\]](#)

174 **2.2.1. Material Provision for Children**

175 Except in extraordinary circumstances, families are the unit in which children are raised into adults. They are also a key source of material provision for children. Children have little or no capacity to generate independent sources of labor income to meet their basic needs. Figure 17.2 shows how consumption and income are distributed through the life cycle of individuals.

176 Figure 17.2. Consumption and income over the life cycle



178 Source: Mason and Lee 2011: 16.

179 While children can produce no income for themselves, they need considerable material provision in their early years. Indeed, all evidence shows that children's first years of life are critical in terms of further development and capacities. As Figure 17.2 shows, the only way these needs can be satisfied is through transfers—in the form of goods and services—from those whose production exceeds their consumption.

180 A large part of the opportunity set and well-being of children is dependent on their family of origins and the resources they hold and distribute to their offspring. When families are primarily responsible for the transfers, the quantity and quality of the goods and services each child receives has a ceiling: that of their families' resources. It has no floor, since adults can choose to transfer most or none of their earned income to children. The result of relying on family transfers is that income inequalities between families translate into inequality of opportunity for children. When such inequalities leave a large share of families with children below basic levels of well-being, they will cause long-lasting harm in child development, as documented in a large-scale study of families across developing countries (Heymann 2006). When states also have a responsibility for such transfers, the ceiling can (depending on the policies) be lifted, and a floor can be guaranteed. State taxes and spending can thus redistribute life

chances and opportunities via public or subsidized education, health care, family allowances, in-kind transfers (food, clothes, transport) and other income transfers.

181 Table 17.1 shows the percentage of children's consumption, and specifically health and education consumption, that is financed by their own families or by the state in a select group of countries.

182 Table 17.1. Consumption by children (ages 0-24), selected countries ~2010*

183

	<i>Consumption (0-24)</i>			<i>Health and Education</i>		
	Total	Public share	Private share	Total	Public share	Private share
All Economies (23)	12.7	33.9	66.1	10.2	19.3	8.5
Africa (2)	9.1	18.4	81.6	5.9	7.6	13.3
E. Asia and China (3)	14.9	18.4	81.6	5.9	7.6	13.3
S. and S. E. Asia (4)	13.2	22.9	77.1	6.3	10.2	6.5
Latin America (5)	13.5	27.9	72.1	10.1	16.1	9.7
Europe and US (8)	12.6	46.9	53.1	13.5	30.5	3.9

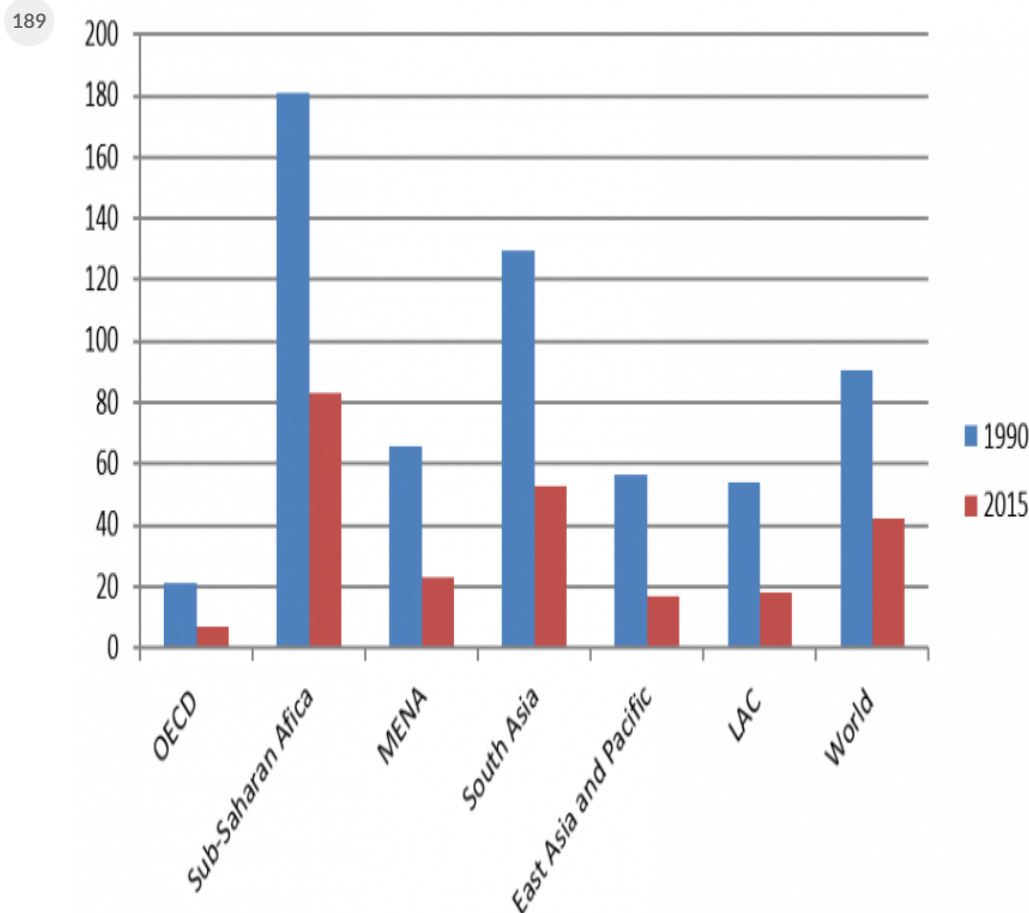
184 * Synthetic cohort values.

185 Source: Mason and Lee 2011: 16.

186 The differences are stark. As Table 17.1 indicates, while in some regions less than 20% of a child's or young person's consumption is financed on average by the state, in others almost 50% is. In the former case, inequality of opportunity for children closely mirrors income and asset inequalities of families; in the latter, the state has strong early distributional "muscle", alleviating inequalities of opportunity and fostering better life chances for the children.

187 Of particular concern are the children whose family resources put them below basic levels of child wellbeing.[\[53\]](#) Taking one proxy for this—the under-five child mortality rate—Figure 17.3 shows that considerable progress has been made over the past quarter century; the rate globally has been cut in half.

188 Figure 17.3. Under-5 mortality (per 1000 live births) by world region

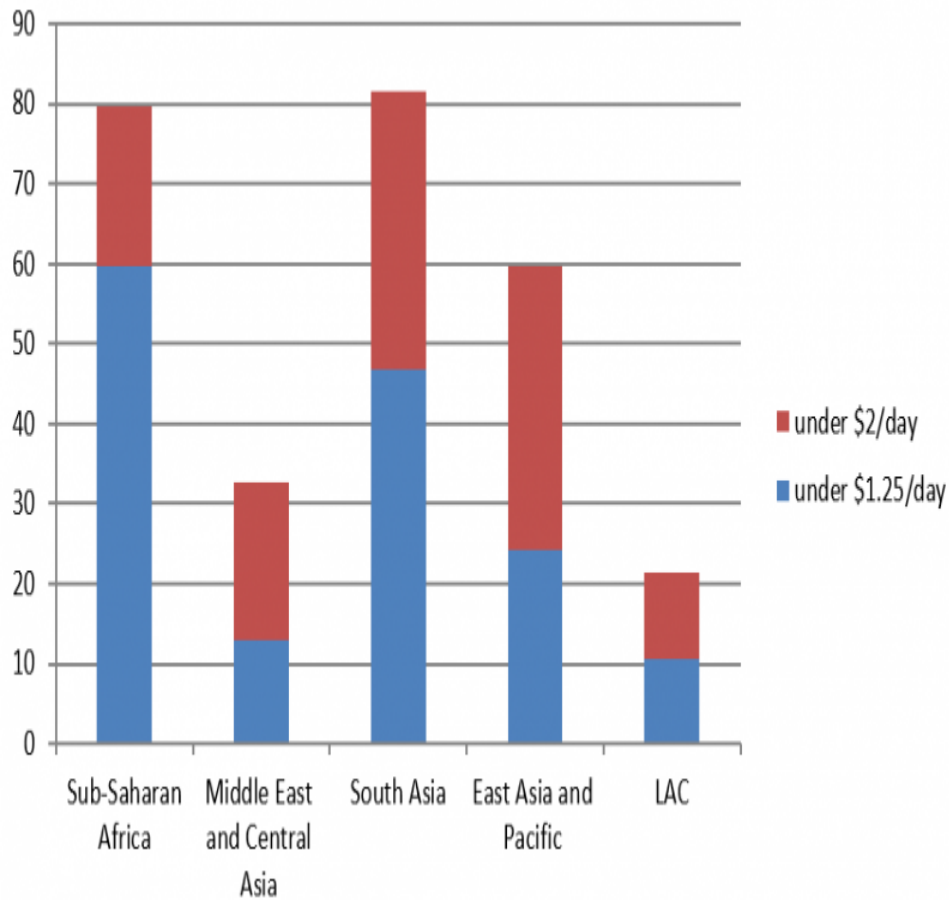


190 Source: World Bank 2016.

191 Yet as Figure 17.3 also indicates, significant regional inequalities remain. Seven out of 1000 children born in OECD countries will not survive to school age, while 83 out of 1000 children in Sub-Saharan Africa-- almost one in ten--will not.

192 Figure 17.4 outlines regional rates of child poverty, as measured by the World Bank thresholds of income poverty of living on less than \$2/day (poverty) and less than 1.25 dollars a day (extreme poverty). [\[54\]](#) This measure gives us a glimpse of the extent of material deprivation among children around the world.

193 Figure 17.4. Percentage of children living in income poverty



195 Source: UNICEF 2014:7.

196 Figure 17.4 reveals significant unmet material needs of children that varies by region: 80% of children in Sub-Saharan Africa and in South Asia, and 60% of children in East Asia and the Pacific, just over 30% of children in the Middle East and Central Asia, and 20 percent of children in Latin America and the Caribbean, live on less than two dollars a day. In Sub-Saharan Africa, the majority of children live on less than 1.25 dollars a day. In all regions, rates of child poverty exceed poverty rates for the general population by three to seven percent (UNICEF 2014:7).

197 Material poverty is of course less extreme in developed countries, and the share of the population living in poverty according to the above measures is negligible. Yet the OECD measure of relative poverty --the proportion of children living in households with average incomes below 50% of the median income-- reveals a range of child poverty rates of just over 20% in the United States to less than 10% in the five Nordic countries of Sweden, Norway, Finland, Denmark and Iceland, with Denmark and Finland at less than 3 percent (OECD 2014). The Nordic countries also rank highly on other measures of child material well-being (UNICEF 2013).

198 Certainly the causes of child poverty are varied. The role of the state, however, is central, as shown in Table 17.1. Countries that have relied more heavily on market provision, with less redistribution, generally

have higher child poverty rates, the United States being a case in example. Despite one of the highest per capita incomes of advanced industrialized countries, the United States also has the highest child poverty rate. In the absence of a more assertive state role in providing material security and basic services, in countries like the United States, low-income families have not been able to ensure the well-being of their children and protection from basic risks like injury or illness.

199 States address poverty and social risks through different sets of measures and different levels of policy effort. Notwithstanding the wide variety of policies, the evidence indicates that the most efficient way to ensure a basic level of material well-being for families with children is to ensure them an income floor, whether it is through paid employment of adults accompanied by affordable care services, or through cash transfers. Most OECD countries (with the exception of the United States) and Eastern European and Central Asian countries, as well as China, already provide some kind of guaranteed minimum income scheme (Lindert 2013: 8), and cash transfers to impoverished families have become a widespread tool in developing countries in the past decade. With the latter, it has become common to target mothers, given the evidence (as discussed above) that mothers more reliably spend the transfers on children and family wellbeing. Such transfers are most likely to reduce poverty when provided on the basis of need, with non-restrictive criteria, or on the basis of citizenship. Often they are conditional on ensuring school attendance and health checkups of children, as they are in most of Latin America, where by 2012 such programs reached 25% of the population (Stampini and Tornarolli, 2012). As of 2010, such Conditional Cash Transfer programs, as they are referred to, had been adopted by 40 developing countries in Asia, Africa, the Middle East and Latin America (Lindert 2013: 13).

200 These policies that ensure a financial floor for children seek to counter some of the policy legacies that heavily focus transfers on the elderly, a much more politically organized constituency. One study in the late 1990s found that in Spain and Italy the percentage of children in poverty *increased* as a result of taxes and transfers (Bradshaw 1999:402). In Brazil, due to even more skewed expenditures, children are *twenty times* more likely to live in extreme poverty than the elderly (IPEA 2008).

201 Cash transfer policies are especially crucial for the increasing number of female-headed households around the world, which are more likely to be low-income and poor. A significant share of fathers who do not live with their offspring do not financially support them, and even fewer contribute to their caretaking, leaving mothers, and sometimes extended families, alone with the burden of providing

both sustenance and care (need cites here). Indeed, the social conditions of lone mother families have been identified as a litmus test of social citizenship in the literature on advanced industrialized countries (see Lewis 1997; Orloff 1993). In the United States, where support for single mothers is meager, half of single mother families live in poverty (Legal Momentum 2010). In many developing countries, single mothers struggle with both higher material scarcity and often lower state capacity to enforce policies such as child support. One study of 400 low-income families in São Paulo found that half of non-resident fathers never contributed any child support, and less than five percent cared for their child once a week or more (Blofield and Madalozzo 2015). This may be even more important in countries such as South Africa where 65% of families have only one parent present. The higher concentration of female-headed households among the lower-income quintiles also aggravates inequalities between families.

202 **2.2.2. Caring for children**

203 In addition to material provision, children need significant caretaking during their early years to become flourishing adults. They also need stable attachments to at least a few adults. Markets have improved families' ability to provide materially for their families. Yet modern market societies also raise particular challenges regarding the caretaking and attachment that children need. For one thing, women's entry into the workforce requires rethinking how caretaking for children will be accomplished and how policies can enhance both parents being able to care for their children. For another, the urbanization and mobility that market societies encourage make it harder for extended family to maintain close relationships. This means that close, caretaking relationships between grandparents and children—which have historically played a large role in children's lives in past eras -- are more difficult to maintain. Finally, the increased level of breakdown of conjugal relationships may negatively affect children through potentially impeding their attachment to the noncustodial parent, as well as the noncustodial parents' ability to engage in caring for them, both of which threaten to decrease the amount of financial resources that that parent is willing to invest in them. Each of these challenges will be discussed in this section.

204 **2.2.2.a. Policies that reconcile work and family**

205 With the massive increase of women into the labor force, states have grappled with updating the maternalist assumptions that have implicitly or explicitly guided public policies, namely, that mothers will privately accomplish optimal levels of childcare with some help from female relatives and husbands. Two different kinds of policy

sets have emerged to deal with the changed realities of the relationship between families and the labor market. The first, employment-based leaves, seek to help parents reconcile work and family responsibilities: they allow for mothers and increasingly fathers to take breaks from employment to care for children at home. The second supports the defamilialization of care by providing public or subsidized early education and care services that promote both children's development and enable parents to remain in paid employment.

206 **2.2.2.b. Parental Leave**

207 Although markets may contribute to gains in material circumstances, market forces put considerable pressure on the time that parents have available for caregiving. Employment-based paid leaves that allow workers time off to care for dependents play an important part both in ensuring the financial security of families, which redounds to children's wellbeing, and needs of young children for parental care. The overwhelmingly positive effects of paid maternity leave have been extensively documented, for the health of newborns (and thus an investment in child wellbeing and human capital down the road), for the health of the mother (recovery from childbirth, initiation of breastfeeding), for the ability of especially the mother to remain in the labor force, and for the income security of the family at a particularly vulnerable time (Gauthier, 1996, Berger, Hill and Waldfogel, 2005; Aitken, Garrett, Hewitt et al. 2015). Thus, paid maternity leave has become globally accepted as almost a universal right in principle, with the prominent exception of the United States (along with Papua New Guinea and Sierra Leone). Increasingly, such leaves have been extended to fathers, although significant paternity leaves beyond a few days have been mainly restricted to advanced industrialized countries. These leaves have been shown to increase the amount of care that fathers assume in later years (Eydal and Rostgaard, 2016; Tanka and Waldfogel, 2007; Huerta, Adema, Baxter et al. 2013). Further, parental leaves have also been extended to adoptive couples in most developed countries (Moss, 2015).

208 Even when parents are legally eligible for these leaves, they may be discouraged or prohibited from taking them in practice. While the problem is certainly not absent in developed countries, in many developing countries especially, mothers face discrimination if they take maternity leave, and take-up rates are lower than eligibility (Heymann 2006; Blofield and Martínez Franzoni 2015).

209 Given that more than half of the world's population works informally, many of them self-employed, one of the central challenges has been to ensure coverage of leaves beyond that of salaried workers in the formal sector. The afore-mentioned cash transfer schemes have

reached some of these families, but such transfers tend to be meager and in any case do not reach all informally working parents. Policies that have encouraged registration and participation in social security programs have had success. For example, in Brazil, the share of all new mothers who received maternity leave went from 26 per cent in 2000 to 41 per cent in 2011, mostly because of increases in formalization rather than employment per se (Blofield and Martínez Franzoni 2015b).

210 How paid leaves are financed, and the levels at which wages are replaced, dramatically affect access to leave for families at different income levels (Gornick & Meyers, 2003; Ray, Gornick and Smith, 2009). Countries that provide paid leave generally do so either through social insurance schemes funded through some combination of employee and employer contributions and tax revenues (Moss, 2015). When the government rather than private employers assumes the cost burden of the leave, the total cost is quite modest when spread across the taxpaying population. Socializing the costs may also reduce the extent to which employers have an incentive to discriminate against employees who take such leaves. While in the vast majority of cases it is mothers, when eligible, fathers can especially suffer from such employer discrimination. Public financing through general tax revenue or social security ensures that the costs of caregiving are shared across employees' working years, across employers, and across the population (Gornick & Myers, 2003).

211 **2.2.2.c. Institutionalized Early Childhood Education and Care**

212 While parents need significant time with children, children's access to caretaking outside the home is also important for their development. The beneficial educational effects of good quality early childhood care, both in terms of promoting equal opportunity and human capital overall, have been extensively documented (OECD 2012). Indeed, children's equal access to early childhood education and care services is crucial for child wellbeing, equal opportunities and human capital later in life, since children who have been to ECEC do better in elementary and high school, and even much later in life, compared to other children (Heckmann 2012; Esping-Andersen 2009; Nielsen and Cristoffersen, 2009). Studies have also shown the cost effectiveness of early education; e.g. in Canada, Akbari and McCuaig (2014) showed that for every dollar invested 1.75\$ was recouped, through taxes paid by parents and the reduced spending on social programs.

213 Early education and care services have been shown most effective in supporting family well-being when they focus not just on children's educational and social needs, but also on ensuring that both parents can participate full-time in the labor market. State policies make a

tremendous difference in ensuring that parents, especially low-income families who are unable to purchase decent care services on the market, can access decent care services and work (Orloff 2009). Given the reality –and importance– of paid work to stable families, most European countries have by now developed publicly supported day care institutions for children. Among the OECD countries there has been an increase in enrolment of children aged 0-2 years between 2006 and 2013 from 28% to 33%. Denmark has the highest share at 68%, followed by Iceland, Malta, the Netherlands, Norway and Luxemburg, all of which have more than 50% of the aged 0-2 in formal childcare. The participation rates for children aged between 3 and 5 have also been increasing and are over 80%, in the majority of OECD countries. The highest participation rate is 98% in Belgium, France and Denmark while in Canada, Greece, Turkey and Switzerland less than half of all children aged 3-5 are enrolled in pre-primary education or primary school services (OECD, n.d.). These services are all heavily subsidized. Also in Asia and Latin America governments are slowly investing more in ECEC, even if they are not keeping up with demand.

214 Other countries, notably the United States, have invested far less in ensuring that children have access to high-quality ECEC (Gornick and Meyers, 2003). The United States does not provide public day care or early education for young children, nor does it generally subsidize private day care for children, even for families who could not otherwise afford it. In addition, the United States has no compulsory federal standards for safety, staffing, or teaching curricula for privately provided early childhood care or education. The result is that most day care in the United States has been judged by experts to be poor to mediocre (Child Care Aware of America, 2013). Moreover, these day cares are generally far more expensive than middle- and low-income parents can afford. In 2011, the average annual cost of center-based infant care was more than the annual in-state tuition at public four-year colleges in 35 states; for a 4-year-old, average costs exceeded tuition in 19 states (Child Care Aware of America, 2012). As a result, American parents with a two-year-old child enrolled in formal childcare pay 42.2% of the average wage for such care, while Swedish parents pay just 6.5% of the average wage (OECD, n.d.). Such cost differences are reflected in over-all enrollment rates: only 28% of children aged 0-2 in the U.S. were enrolled in formal child-care in 2010, and only 66,5% of children aged 3-5.

215 **2.2.2.d. Paternal care, custody arrangements, role of grandparents and extended family**

216 In an era in which conjugal relationships fail with some frequency, special attention must be paid to ensuring children's continued ties to both parents. Considerable research establishes that children

who maintain significant relationships with both parents do considerably better than those who simply maintain ties to one parent, provided that the relationship between the parents is relatively low conflict (Verschuere and Marcoen 1999; Sarkadi, Kristiansson, Oberklaid, and Bremberg 2008). Children's relationships with nonresident parents can play an important role in supporting child development, promoting academic success, and increasing self-esteem in children (Amato 2005; Gilbreth and Amato 1999). Studies also demonstrate a correlation between negative outcomes for children, including early sexual activity, risky behavior, and delinquency, and absent fathers (Ellis, Bates, Dodge, Fergusson, Horwood, Pettit, and Woodward 2013; McLanahan, Tach and Daniel Schneider 2013). The state therefore has strong impetus to find ways to facilitate the continued relationship between the second parent and the child even when the parents' relationship is not intact. Indeed, all countries in the European Union recognize that children have the right to a personal relationship with both parents.

217 Shared physical custody is one means to support children's relationship with both parents. Shared parenting (in other words, frequent, continuing and meaningful contact with both parents) is today permitted and indeed, often encouraged in Australia, Canada, New Zealand, many European countries, e.g. the five Nordic countries, the United Kingdom, Spain and all 50 U.S. states, although the specifics of the arrangements can differ markedly. Social science research strongly supports shared parenting as contributing to children's wellbeing when conflict is low and both parents agree to it (Buchanan, Maccoby, and Dornbusch 1996; McIntosh and Chisholm, 2008; Smyth, Chisolm, Rodgers and Son 2014). The empirical evidence is far less certain about the positive effects of shared parenting in circumstances beyond that in which both parents agree. (Smyth, McIntosh, Emery and Howarth 2016; Pruett and DiFonzo 2014). Yet, given that high-conflict custody arrangements can undermine the child's wellbeing, and especially when the threat of domestic violence is present (Smyth 2014; Pruett and DiFonzo 2014), such arrangements should not be imposed in the absence of the consent of both parents without careful consideration of the best of the child and the family's particular circumstances.

218 Although child support payments are critical for most children in single-parent families, attention must also be paid to the negative effect that onerous child support awards can have on the relationship between the non-resident parent, most often the father, and these children. Recent research suggests that in some circumstances children's relationships with the noncustodial parent can be thwarted by unrealistic child support requirements (Edin 2013). The result is that these parents, most often fathers, engage with their children less, hindering the potentially valuable

contribution they could make to their children's lives (Edin 2013, Nepomnyaschy & Garfinkel 2007, Harris 2011). In Brazil, non-payment of formal child support obligations can land the father in prison, which will certainly guarantee non-payment for the duration of the sentence. All this suggests building mechanisms into child support systems that ensure that the obligor parent (that is, the parent who must pay child support) truly has the capacity to pay before imposing such support requirements, as well as mechanisms that allow flexibility when an obligor parent experiences financial difficulties that make paying full support payments impossible. In Germany, the state takes over the role of collecting any debts from the obligor parent while ensuring that the custodial parent receives the monthly child support.

219 There has been increased attention in the recent literature to interactions across generations and in particular the roles played by grandparents in the lives of their grandchildren (Even-Zohar 2011, Hagestad 2008, Silverstien & Giarrusso 2010, Sigurðardóttir, & Júlíusdóttir 2013). These studies show that grandparents play many important roles, providing social, emotional and financial support to their grandchildren. Furthermore, this relationship can often be reciprocal. Grandchildren also provide support to their grandparents, such as explaining technical innovation. A Norwegian study showed that while 90% of the children reported to have learned something from their grandparents, 60% of the children also reported to have taught their grandparents something (Hagestad and Herlofsson, 2007).

220 **2.2.3. Protection from Abuse**

221 The last century has been referred to as the “age of the child” because of the increased emphasis on protections for children. All Western countries now have laws providing for child protection and child welfare. These laws authorize coercive intervention by the state into the family in the case of child abuse. Internationally the construction of the CRC (Convention of the Rights of the Child), shows clearly how the topic of protection of children has been emphasized on a global scale. The CRC was adopted by the UN general assembly in 1989 and in 2015 all countries except South Sudan and the US had ratified the convention, making the CRC the most widely ratified human rights treaty (UN, n.d.). According to Unicef the CRC has “changed the way children are viewed and treated –i.e. as human beings with a distinct set of rights instead of as passive objects of care and charity” (Unicef, n.d.).

222 Physical and psychological violence in families has been demonstrated to pose great threats to the well-being and welfare of children, not only when the child is a victim but also when the child

witnesses abuse (Hester et. al. 2006). The CRC states that children should be protected against all forms of physical and psychological violence, and physical and sexual abuse while remaining in the care of their parents. Indeed, in much of the world, substantial measures have been taken to prevent such violence, including extensive policies, laws, campaigns and other public measures. Yet these efforts have been spotty geographically: in some countries family violence is not addressed as a serious problem (see further the section on Intimate Partner Violence). Furthermore, even in countries that have made significant efforts to prevent domestic abuse, the phenomena may be so deeply rooted that it takes generations to eliminate. For example, as Björnberg and Ottosen (2014) point out, despite the Nordic countries' thoroughgoing efforts against domestic violence, significant numbers of women and children still fall prey to violence in their homes (Berglund 2010). In addition to physical violence, sexual abuse within families poses a great threat to children's wellbeing worldwide. As with physical violence, efforts to combat sexual violence have been patchy, with some countries making extensive efforts and others doing little to address this threat to children's wellbeing (UNICEF, n.d.,a).

223 The use of violence to discipline children is a particular problem. Research demonstrates corporal punishment's ineffectiveness, its causal link to the development of violent behavior, and its association with other problems in childhood and later life (Strauss and Paschall 2009; Lansford Wager, Bates, Pettit, and Dodge 2012; Gershoff, Grogan-Kaylor, Lansford, Chang, Zelli, Deater-Deckard, and Dodge 2010; Gershoff 2013). Despite this, according to the World Health Organization corporal punishment "kills thousands of children each year and injures and handicaps many more." (UN Tribune, n.d.).

224 Some countries have clearly and unequivocally prohibited such corporal punishment. In 1972 Norway followed by Sweden in 1979 enacted laws against the rights of parents and other caregivers to apply corporal punishment to their children (Eydal and Satka, 2005). Slowly other countries have followed in their footsteps. By 2014, 42 countries had enacted such laws (UN Tribune, n.d.). Yet other countries, including the United States, continue to treat such violence as a prerogative of parenting.

225 One important way to reduce abuse and neglect, as well as to foster children's welfare is to ensure parents' access to mental health services and drug treatment programs. Mental illness and drug abuse has repeatedly been demonstrated to be an important causal factor in child maltreatment (Department of Health and Human Services, Children's Bureau 2014; Park, Solomon, and Mandell 2006). Ensuring that parents have access to services before they reach the point of crisis supports children's wellbeing both by protecting them from

abuse and allowing them to remain in their parent's care. Given the importance of the bond between parent and child to children's wellbeing, public policies that forestall abuse and neglect and that allow children to remain with parents are more conducive to children's welfare than removing these children into foster care (Eichner 2010; Doyle 2007; 2008; 2013; Cicchetti, Rogosch, and Toth 2006; Smyke, Dumitrescu, Zeanah 2002). The child welfare systems often lack resources to work on preventive measures and are forced to apply available resources on the most serious cases, hence the children that are removed from their families have in many cases already been harmed.[55]

226 Similar preventive principles apply to poverty. Not only does poverty have direct effects on children's wellbeing, it also prevents parents from establishing the conditions that children need to stay safe, and the stress associated with it elevates child maltreatment rates (Paxson & Waldfogel, 1999). In the United States, several studies show that a substantial percentage of children taken into foster care – in some studies as high as 30 percent – could remain safely in their own homes if their parents had access to decent housing (Harburger and White 2004; Lewin, New York Times, Dec. 30, 1995). It is far more conducive to children's welfare to ensure decent housing with their own parent than to remove them on child maltreatment grounds to live with a stranger. Thus, ensuring material well-being to families is tightly linked to also providing a setting for higher psychological wellbeing and protection from abuse and neglect.

227 In sum, state efforts to improve children's welfare are most successful when they routinely support families in ways that forestall abuse and neglect rather than when they coercively remove children from their homes after child maltreatment occurs. The considerable scope of parental responsibilities and the intricate intertwining of parents' and children's lives make it unrealistic to expect that parents will always act in their children's best interests. However, states can do a considerable amount to establish conditions that facilitate parents' promoting their children's wellbeing and safety. Certainly there will still be situations in which the state will have to intervene coercively to protect a child from maltreatment, but many of these situations can be avoided by states' efforts to remedy the conditions that give rise to abuse. It is in their homes, given the right support to the family, rather than removed from the families, that children have the best chance of growing into flourishing adults and sound citizens (Björnberg and Ottosen, 2014; Eichner 2010; Doyle 2007; 2008; 2013).

229

Life expectancy has increased at an impressive rate both in the developed and developing world. This is due both to a drastic decrease in infant mortality rates and an impressive increase in longevity. Longevity is, in and of itself, good news since it reflects better health and more social protection and material welfare in the life course and in individuals' old age. Yet as people age there are a number of increasing risks that have to be confronted: decreasing labor market participation and economic wellbeing; loss of support systems; health problems; as well as loss of autonomy are elements that need to be factored in as people and societies age. Families, communities, markets and states need to transform themselves if societies want to confront old age and longevity as a blessing rather than as a curse.

230

As societies age and as longevity increases there are at least four interrelated challenges to be confronted:

231

- Families will face an increased burden in terms of care as more people will demand care, including long-term care, as they become functionally dependent on others for some activities or routine everyday basic care activities. If families are left to fend these needs alone, wellbeing for the elderly will become highly stratified according to the time, effort, economic capacities and familial ties that their extended families are willing to invest in elderly care.
- Families and public budgets will also face increasing financial demands for access to health care since with age there is a marked increase in chronic illnesses and expensive treatments that are developed to meet these new demands.
- If societies want to grant some degree of economic well-being for their elders who are no longer capable of participating in the labor market, either pensions or family support need to be there. In the first case, ageing is already putting increased financial pressure on pension systems, and this will intensify both for developed countries and for developing countries in advanced stages of their demographic transition. In the case that pension systems are not universal, extended family and savings constitute the only safety net for the elders.
- A critical factor that can increase or decrease the burden of an ageing society on both public budgets and families' time and efforts relates to how people reach old age and what they can and cannot do as they become older. Active and healthy aging should be a major aim of social protection in both income transfers and health care policy. Compressed morbidity and a larger portion of years without functional limitations should constitute an objective of policies based both on normative grounds and efficiency arguments.

232 The family constitutes a most important factor in regards to the process of ageing and the associated needs. Care for frail older people is across the world found most often to be organized within the family and familial networks, and persists in being highly feminized (Armstrong and Kits, 2004, Daly and Rake, 2003, Lutz and Palenga-Möllénbeck 2012; Parreñas 2001). This is regardless of differences in state policies, female labor market participation and cultural values across countries. With globally ageing societies the role of the family in provision of health and social care for ageing populations is of increasing concern. This section will outline how families play a most important role in providing care for older people around the world, and how public care protection, markets and the creation of new services, and communities, interact to confront the challenge of ageing societies and longevity. This section will also look into what implications this has for security in old age, as well as for ensuring dignity and meaningful relationships for both older people and their care-givers.

233 **2.3.1. The demographic drivers and socio-economic drivers of increasing care needs among the elderly**

234 The first and foremost demographic factor likely to change our societies in the years to come and to affect the supply of intergenerational care is the worldwide trend towards ageing societies. Ageing is generally caused by the confluence of reduced mortality and fertility together with life expectancy increases. Population ageing means that on a global scale, the proportion of the world's population aged 60 years or over is expected to double from about 11% to 22% between 2000 and 2050. By 2050, Europe will have about 34% of its population aged 60 years or over, Latin America and the Caribbean and Asia will have about 25%, while Africa with the presently youngest population structure is expected to see an increase from 5 to 10 % in the population 60+ (WHO 2016; UN 2002).

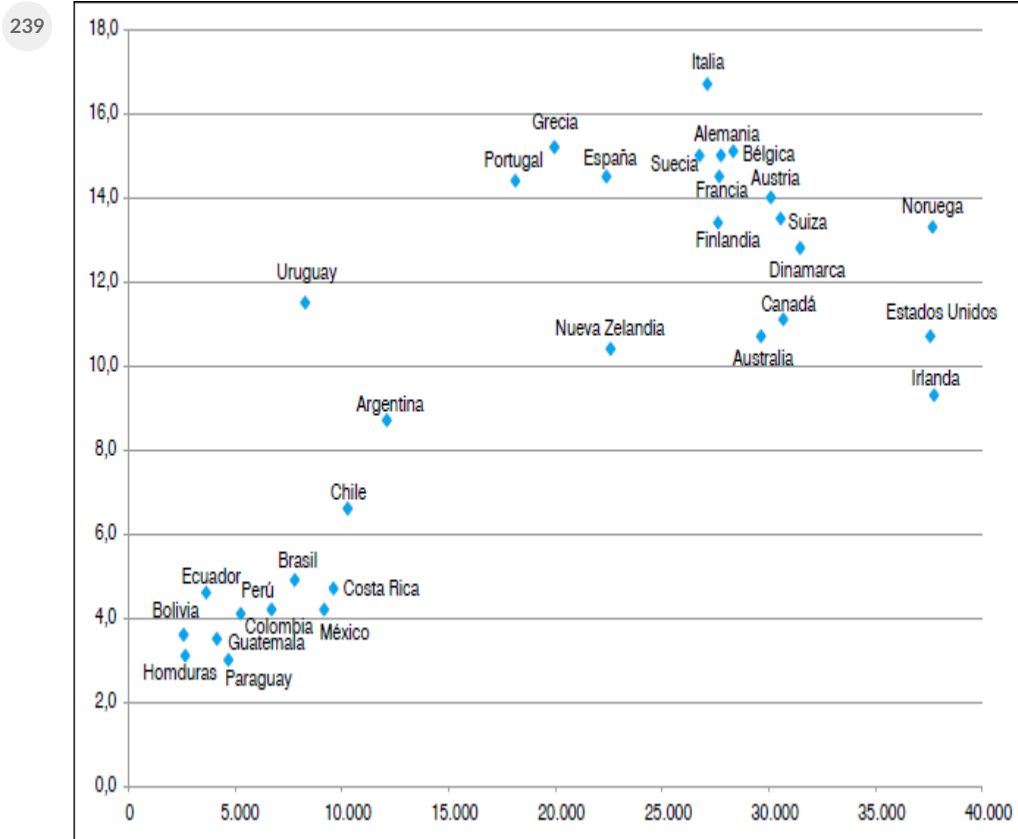
235 The increase in the sheer number of older people is impressive. Worldwide, the absolute number of people aged 60 years or over is projected to increase from 900 million in 2015 to 1400 million by 2030 and 2100 million by 2050, and could rise to 3200 million in 2100 (WHO, 2016). In the case of mainland China, the number of 60+ Chinese will have increased from the present 192 million to 450 million by 2050, or from 13.9% to 32.8% of the population (United Nations 2013a).

236 The regions of the world are however ageing at very different paces. While most developed nations have had decades to adjust to shifting age structures, the ageing of the respective populations in many other regions is taking place very rapidly, often within a single

generation. As an example, in Indonesia, the average life expectancy increased from 38.3 years in 1950 to 68.6 years in 2005 (United Nations 2013a; 2013b). In a period of less than 25 years, the percentage of Indonesia's population aged 60 and above is expected to increase from less than 7% to more than 15%. In comparison, this same transition took 114 years in France (Mirkin & Weinburger 2001).

237 Figure 17.5 shows for OECD and Latin American countries quite different patterns of GDP levels and ageing.

238 Figure 17. 5. GDP per capita and percentage of population 65 or older



240 Source: World Bank. World indicators.

241 As Figure 17.5 indicates, Uruguay shows how societies can reach old age despite being relatively poor, while countries such as Ireland and Australia are relatively young societies yet relatively rich countries. The pace at which longevity increases and the fall in fertility rates in many developing countries suggests that reaching old age in poor societies will be more of a pattern than a deviation in the next 20 to 30 years. The southern Mediterranean pattern in aging and GDP is problematic, presenting some of the more aged societies and low relative levels of GDP per capita when compared to other OECD countries.

242 While the increase in and pace of ageing will undoubtedly put pressure on social protection and care systems and on the family as a central caregiver, it remains to be seen whether the increase in longevity also results in more years of morbidity. Longevity, while a driver of ageing societies, should be distinguished, since it brings with it specific problems. Longevity refers to people living longer and brings with it the challenges that such increased life-span might have on morbidity and functional capacity of the elderly. General findings from western developed countries suggest that disability prevalence rates have declined in some countries despite the increase in longevity and that this pattern of compressed morbidity will result in a delayed need for support and care (Lafortune & Balestat 2007). It still remains to be seen whether these results are also applicable more broadly. A study from Taiwan seems to contradict this trend, finding no evidence of similar improvements (Zimmer, Martin & Chang 2002). The lack of data often renders studies of the compression of morbidity problematic especially outside western countries.

243 Relatedly, there is great variation across the world in the incidence and prevalence of various causes of mortality and morbidity, very much affected by the economic and health status of the population, with implications for the well-being of older people, their families, and public planning and development for long term care needs (United Nations 2002). There are also clear gender differences: in many low-income countries, there are more women than men in the older populations, and women often have poorer health, lower levels of education and a higher risk of limited functional ability than men.

244 These changes are also taking place in the context of changing family structures discussed in previous sections. Most countries have seen an increase in the number of older people living alone, driven also by higher divorce rates, potentially weakening relationships between parents and children and changing the meaning and nature of family responsibility (Stern 1995; Börsch-Supan et al., 1996; Engers and Stern 2002; Dostie and Leger 2005). On the other hand, the increase in life expectancy among men in particular increases the availability of spouses as caregivers. However, the availability of informal care is not only about the physical presence of a family member but is a complex product of relationships that develop over time, involving notions of reciprocity, reputation and fairness (Finch 1989; Finch and Mason 1993).

245 Increasing geographic mobility also challenges the provision of intensive and regular informal care. With economies relying less on agrarian production, there is an increase in rural to urban and also international migration. The increase in labor migration has affected the ageing profile of the rural population drastically. For example,

more than 100 million rural Chinese are estimated to have moved to cities in search of work. On the other hand, bigger cities like Shanghai and Beijing are experiencing extremely low fertility rates, which will eventually affect filial care provision (Xiong 2009). Combined with this is the massive increase of women into the formal labor force, creating what Heymann (2006) refers to as “the perfect storm” regarding the family ability of family members to care for older people or children.

246 **2.3.2. Defining and estimating the role of the family in providing care**

247 Within this context, it is important for researchers to have tools to estimate the significance and size of the involvement of the family in providing care for older people. However, such assessments are not straightforward, including even the definition of what constitutes such care. There is a lack of comprehensive and comparable international evidence on informal caring and caregiving. Estimations of the prevalence, economic contribution and burden of informal care are also generally complicated by the lack of consistent or comparable set of definitions used by governments and researchers alike (Glendinning et. al. 2009). Generally, informal care is defined as non-professional and unpaid care provided by family members and close relatives, friends or neighbors. This definition too has been challenged, given that some states provide cash transfers to family members in recognition of and to economically support the informal care that they provide, which may involve some kind of contract (Pfau-Effinger, 2005). Also, there is no universally applied definition regarding what is included under informal care, i.e whether it includes personal care, domestic chores or also emotional or even administrative support with paperwork, or a minimum number of hours provided.

248 Using a simple operational definition of care-givers as those providing a minimum of 20 hours a week of care to elders results in an estimate of 19 million informal care-givers over the age of 25 in 11 European Union countries alone (Grammenos, 2005). Of these informal careers, about half provided more than 35 hours a week and could be considered to be heavily burdened. Other surveys confirm that informal care giving is a normal activity in most EU countries: In 2006, around 20 % of older people 65+ received informal care, rising to between 30-60% for the 75+ aged, depending on how informal care is defined (Eurostat, 2006). Estimates from various advanced industrialized countries find that the vast majority of care of older people is informal (Glendinning et. al. 2009). In addition, it is a gendered activity, with women providing the bulk of care. Data from the EU countries does indicate that men are also quite involved in providing informal care, especially for a spouse or partner (e.g. Arber

and Gilbert, 1989; Chapel 1985). Overall, however, it is estimated that in the EU countries between 60 per cent and 80 per cent of all informal caregivers are women (Glendinning et. al. 2009). In developing countries, informal care provision is even more feminized, even if financial support of older people may also come from men.

- 249 Overall, care for older people across the world is centered in the family, and gendered, with partners and adult children most central, followed by broader family, friends and neighbors.
- 250 Informal care for elderly is often organized in a specific hierarchy of care, the so-called “hierarchical compensatory model” (Noelker & Bas, 1994), where some kin members are more likely to provide care than others. Typically an adult daughter or daughter-in-law will be responsible for caregiving, but very often it will also be the partner who provides care (Abel 1990). Men and women may perform different tasks and give different motivations as to why they become involved in informal care giving, or decline to do so. For example, employment has in earlier studies been a more legitimate excuse for a man than for a woman, and women feel more pressure to become involved from relatives (Ungerson, 1987; Finch and Mason, 1990).
- 251 It is important to stress, however, that informal care is not a constant, unchanging component in care provision. As Finch (1989) has argued, a family member’s decision to provide or not provide care very much depends on the strength of the family relations over time, for example, increasing divorce and separation rates can negatively affect the strength of family obligations. Engagement in informal caring will always be an individual decision, taken within a specific context of kin relations. Kin support has accordingly a somewhat unpredictable character.
- 252 Norms of filial obligation are also highly culturally sensitive as well as changing. As an example, in South-East Asia, norms and expectations of elderly care provision differ across countries. In Thailand, the traditional bilateral kinship system places the caring responsibility on a specific child, although the matrilineal residential rules will prevail, assigning this responsibility mainly to the adult daughter. In reality, the responsibility falls on both sons and daughters: 38.6% of older people who live with an adult child do so with a daughter, and 29.1% are co-residing with a son (Knodel 2012). South Korea has a traditional stem-family system, thus placing the responsibility on no child in particular, while the Chinese patrilineal system places more responsibility on sons (Ochiai 2009). Consequently, Chinese elderly with sons are more likely to be in a co-resident situation (Knodel & Ofstedal 2003). Despite different norms concerning the liable family member, the expectation that adult children should provide care and support to their elderly parents continues to be widespread but

there is evidence of declining support over time among older people themselves for filial care in South East Asia. On the other hand, the proportion of older people nominating their spouse as the preferred caregiver has increased (Knodel 2012).

253 **2.3.3. The role of the state in care provision for older people**

254 What does the evidence suggest is the best way of supporting the elderly (transfers, health and care) in order to help families flourish and individuals to maintain choice and dignity?

255 For most of the richer countries, pensions and health care in both coverage and quality are adequate, though ageing in these countries places increasing stress on their financial sustainability. But for much of the developing world the issue of both coverage and quality in pensions and health care remains a critical area that leaves many elders with no economic support and health protection and their families with additional financial burdens they many times cannot cope with.

256 Because many of these countries are ageing rapidly and are still relatively poor and highly unequal, the distributional architecture of such systems and their financial sustainability are basic challenges that if not resolved well will place unmanageable burdens on families and/or situations of extreme vulnerability on the elderly.

257 The mega-trend on the issue of aging in the industrialized West and in countries with advanced demographic transitions is the growing recognition of the social risk of age-related care needs, and thus the need for government action. This has come about both as a concern for meeting the needs of an ageing population in a dignified way but also from the realization that the family is not capable on its own to provide care. In high-income countries[56] with already developed care systems, the overall trend within the last decades has been to expand the long-term care systems to encompass more citizens, and under the principle of universality. In Nordic and Anglo-Saxon countries (particularly in the UK) universalism expressed as a right to receive long term care services has already been in place since the 1970s and 1980s, and in continental European countries such as Austria, France, Germany and Spain, in recognition of the financial and social pressures due to ageing, governments have moved from residual, assistance-based programs up until the mid-1990s to more universalistic principles today, acknowledging citizens' needs and rights to care (Leon et. al. 2014). In Germany, this involved the institution of a new long-term care insurance to finance the cost of caring, and thus extending a right to benefits to all citizens who are insured. This was used as model in South Korea and Japan as well. In both Japan and Germany, family members can opt to receive benefits

in cash in order to financially support informal caregiving. The South-Korean government deliberately avoided such an option because of concerns that it discourages female labor force participation. Even in the case of South Korea, however, does not cover all the costs of care, and families' share of payment for care services is about twenty percent (Chan, Soma & Yamashita 2011, Kwon 2011).

258 The overall trend in high-income countries has been towards increasingly recognizing long-term care needs as a universal social risk and therefore requiring a public, state response (Leon et. al. 2014). In Europe, universal long-term care coverage is today found in countries such as Belgium, Czech Republic, Denmark, England, Finland, Germany, Iceland, Luxemburg, Norway, and Sweden, and in Asia in Japan and South Korea (Scheil-Adlung 2015). Still, many advanced industrialized countries limit publicly funded long-term care only to the poorest elderly, including the United States, Australia, and New Zealand. European countries include Austria, Estonia, France, Greece, Hungary, Ireland, Italy, Poland, Portugal, the Russian Federation, Slovenia, Spain, and Switzerland (Scheil-Adlung 2015).

259 The countries with, to date, the most universal and generous long-term care systems in place, have in the last 15 years moved towards care in the home instead of care in institutions. This policy of 'ageing in place' is based on both a general desire among older people to remain in their own homes even when in need of care and thus ensure dignity in old age, but has also been a means to lowering public expenditures for care provision. Thus, countries have to various degrees developed community care and support for informal care. This includes provision of social care services for domestic chores and personal care, as well as cash support and various support measures for informal caregivers (Timonen and Rostgaard, forthcoming). While the share of the older population in institutional care has remained fairly stable in most European countries since the mid-1990s, the share receiving formal home care services at home has almost universally increased within Europe, with the exception of the Nordic countries where formerly more generous provisions of home care have decreased (Rodrigues, Huber and Lamura 2012). Soaring costs and service shortages are pressuring even the Nordic countries to target services on the most frail and to reform systems to become more family based (Ilinca et. al. 2015; Schneider et. al., 2015; Szebehely and Rostgaard 2012).

260 In countries such as Denmark, Norway and England, cutbacks combined with the involvement of the for-profit private sector have made services less attractive for many users (Rostgaard 2012; Rostgaard et. al., 2012). More broadly, the increased provision of cash allowances by governments has played an important role in

encouraging and incentivizing private spending and involvement in organizing care (Timonen and Rostgaard, forthcoming). As an example, in the Netherlands, the move from a caring state to a 'participation society' has emphasized and encouraged self-sufficiency, dependence on family and community solidarity, on the basis of a claim that the excessively encompassing welfare state has contributed to a loss of social solidarity and individual responsibility (Da Roit and de Klerk 2014). Thus, while de-institutionalization thus seems to prioritize users' quality of life and increases the sustainability of care systems, it also comes at a risk of passing the burden of care onto individuals and families, some of whom may not be optimally equipped to ensure their own well-being or the well-being of the recipients of their care.

261 How to provide care for older people is also an increasing political issue in China, where the government in the 1980s and onwards supported the creation of institutional care as a means to fill the gap for care, mainly by means of private investment capital into this sector. This has resulted in a rapid increase in the share of institutional care in China. With institutional care being costly for older people and their families, however, and with concerns regarding the quality of care and relatives' guilt and/or shame over placing their elderly family members in care outside of the family, community-based care is also now increasingly recognized in China as a feasible policy option. The ideal long-term care model in China is now seen to be family care as the main part, supported by community-based services and complemented by institutional care (Shang & Wu 2011).

262 In contrast to high-income countries, middle- and low income countries have very little in terms of long-term care systems in place. Even the inclusion of older people under health and social security schemes is a rather new development in many countries. In South-East Asia, for example, Thailand and Singapore were among the first nations in this region in the 1980s to formulate national policies to address the needs of ageing populations.^[57] They were soon followed by other countries in the region, which also began recognizing the increasing need to protect older people, , influenced by a number of international conferences, such as the 1st 'World Assembly on Ageing', held in Vienna in 1982, and the 2nd 'World Assembly on Ageing—International Plan of Action', held in 2002 (e.g. Do-Le & Raharjo 2002). Following this, also Vietnam now includes the older population in public health care coverage (Hoi et al. 2012).

263 Over-all long-term care for older people, whether institutional or community-based, has received less political attention in most developing countries. Indeed, most countries do not even have data on care needs, legal entitlements or public provision of care services.

For most of the developing countries for which data exists, legal rights to care are minimal or non-existent (Scheil-Adlung 2015 based on estimates 2015, World Bank 2015 (population data in 2013)).

264 When addressed in legislation, long term policies often emphasize the importance of the family for caring for older people. In Thailand, for example, the first National Long-term Plan of Action for the Elderly (1986-2001) emphasized the importance of seniors co-residing with their families together with values of respect for those taking care of elderly relatives (Schmitt & Wirth 2013). Such obligations can be enshrined in legislation, e.g. the Cambodian Constitution states that Cambodian tradition dictates that children are obligated to care for their parents. In Vietnam, the marriage and family law highlights that adult children are responsible for respecting, taking care of and nurturing their parents; moreover, adult grandchildren are responsible for nurturing grandparents whose sons and daughters have all passed away. The civil law also emphasizes that the responsibility of children/grandchildren to take care of parents and grandparents is a moral tradition. In other regions of the world, similar obligations which force family members by law to provide long-term care to their relatives are in place, such as in the African region (Algeria), Americas (Argentina, Brazil, Chile, Mexico), Asia (China and India), Europe (Russian Federation and Turkey). In some of these countries, the State provides support in the absence of family members, but there may be severe repercussions if the family does not provide such care. In the case of India, failure to provide long-term care is linked to strong punishment including jail time (Scheil-Adlung, 2015). Similar systems may however be in place also in countries defined as high-income, e.g. in Singapore, where the 1995 Maintenance of Parents Act (MPA) allows destitute older parents to sue their adult children for financial maintenance should they not do so voluntarily (Rozario & Rosetti 2012).

265 **2.3.4. Balancing public support and family-based care**

266 Is the family of lesser importance in the provision of care to older people in countries with more extensive public provisions of long-term care? Analysis of data from the Survey of Health, Ageing and Retirement in Europe (SHARE), has shown that this may not be the case. Generous welfare provisions in fact do not crowd out informal care for older people, but may instead help sustain meaningful relationships between carer and cared-for. On the contrary, involvement in and frequency of informal care provision for older people is higher in the North than in the South of Europe (Attias-Donfut, 2009). One interpretation is that family members in countries with generous long-term care provisions feel supported and thus are more encouraged to participate in care provision. Another likely reason may be that informal caregivers provide

different types of informal care. For example, in Denmark, informal caregivers mainly perform practical care and ad hoc services, such as shopping, doing the laundry and help with administrative tasks, whereas the public home helper normally provides the necessary personal care (Boll Hansen and Platz 1995). In countries with less public support, informal caregiving also involves intensive and time-consuming personal care which must be provided at set hours. Typically, in such settings, a gendered division of care work is found, where men often mainly perform the practical tasks such as providing transport, fixing the house or contacting local authorities and women provide more personal care (Green, 1988; Evandrou, 1992).

267 2.4. Other adult relationships

268 [THIS SECTION IN-PROGRESS]

269 Understanding the family and the agency of its individual members, requires an exploration into relationships among other adults in the household, in addition to the elderly and in addition to parent/child relationship. Relationships among adult family members are critical to family functioning around the world. Households may include extended kin, grandparents, uncles and aunts, cousins. Especially of interest to this section of the chapter, are the relationships among siblings – relationships among brothers, sisters, and brothers/sisters. We draw on research particularly from the Middle East, North Africa, and South Asia.

270 We have found the care/control paradigm (Joseph 2000) a particularly useful model in understanding familial relationships in gender hierarchal families in states which defer considerable authority to families and which provide few social services to displace the reliance of family members on each other. The care/control paradigm captures relationships of love, discipline, and mutual dependency that are expected to be long-term. The care/control paradigm describes familial relationships in which there is an expectation that family members will take care of each other, coupled with the expectation of gender and age hierarchy. That is, males in general, and elders in general (including older females) have authority over women and youth/children. With that authority (capacity for control) comes a responsibility for caring for those family members under one's authority. Junior family members, and women, are to defer to family elders and to men in general with the expectation that family elders and family males will in turn attend to their needs, security, and well-being.

- 271 Another way of explaining the care/control paradigm is that, for example, when brothers are expected to have rights over their sisters, those rights usually come with responsibilities to their sisters. While those responsibilities are often exercised as power over the sisters, they are as often exercised as care for the sisters. And sisters' deference to brothers is often exercised as sisters' care for brothers. This complex relationship of rights and responsibilities has been called the "kin contract," part of which is this control/care paradigm. (Joseph 2005).
- 272 Among the most enduring adult relationship for family members is that of siblings. Siblings might reasonably expect to outlive their parents. Being closer to each other in age than they are to their parents and other family elders, they may anticipate being in each other's lives most of their lives. In many societies, siblings may expect to live in relative proximity to each other. In many Middle Eastern, North African, and South Asian societies, siblings may marry into families related to each other, intensifying the intersections in each other's lives. In these and other societies, siblings inherit together, further financially embedding them in each other's lives. And in many of these same societies, cultural norms teach siblings that they have rights in and responsibilities for each other including responsibilities for each other's spouses and children.
- 273 Brother/sister relationships are particularly powerful in patrilineal (those that reckon descent through the father's line) and patriarchal societies (those that privilege males over females, and elders over juniors – rationalized by the morality and idiom of kinship) (Joseph 1994). Often, in such societies, brothers are privileged over sisters in ways that make sisters less direct competitors to brothers for power and economic resources than brothers are to other brothers. In societies that have these prescriptions, such as many Middle Eastern, North African and South Asian societies, as well as some South East Asian societies, brothers are also charged with responsibilities for their sisters. The intensity of brother/sister relationships can, at times, compete with the husband/wife relationship. It is not uncommon in Middle Eastern, North African, and South Asian societies to find wives jealous of the relationship their husbands have with their sisters-in-law.
- 274 Brother/sister relationships are very important in matrilineal societies as well. In matrilineal societies, such as in parts of India and Malaysia and parts of South East Asia the mother's brother often has a privileged relationship of authority and responsibility to the sister and her children – sometimes at the expense of the husband's/father's authority. With the changes in the practice of joint family and migration of many family members, in India and many

other South Asian countries, relationships among adult brothers/sisters or other kin have also acquired new overtones and nuances.

- 275 Kin relations, relations between brothers or between sisters and between brothers/sisters have long histories in many communities in South Asia. The obligation of the brother in patrilineal communities to look after the unmarried or the widowed sister has a long history among the socially and economically advanced communities in India[58]. Such obligations need to be seen in the larger context of maintaining the status of the families. There are also emotional and personal relations defining the nature of these brother/sister relations. Single women both widowed and unmarried may perform household chores including cooking and household maintenance for their brothers and in return are provided shelter and housing by their brothers.
- 276 In many societies, it is common for brothers and sisters to take care of each other, even when brother/brother or sister/sister relationships are competitive. Older brothers may cut short their education in order to work and help support younger siblings. They may help pay for dowries for sisters or help brothers find jobs. It is not uncommon for older brothers to employ their younger siblings or children of their siblings, if they manage to establish businesses for themselves. They may help younger siblings secure spouses and share care-giving for their parents and other elderly kin.
- 277 An older sister may be taken out of school to take care of younger siblings. Frequently older daughters are expected to stay at home, help with cooking, cleaning, care of other adult family members – a responsibility not usually required of sons or brothers. Sacrificing for siblings is an insurance policy for the whole family.
- 278 An important question concerns why younger males might be willing to support the control that older males have in the family. Suad Joseph (2003) has argued that in a kin-based gender hierarchal society, such as many Middle Eastern and North African societies, younger brothers may see older brothers as templates for themselves within their own households. In what she calls patriarchal connective mirroring, the junior males' support for the authority of older males helps establish the legitimacy for their patriarchal authority when they establish their own families.
- 279 Relationships between brothers are also important even though the brothers may live in separate households in both rural and urban areas. Brothers do manage or cooperate in economic pursuits, hold

and manage property jointly, help each other on many occasions, celebrate festivals, rituals and ceremonies jointly and so on (Shah, 1998).

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Despite the many situations in which siblings support each other, it needs to be recognized that brother/brother and sister/sister relationships can be highly competitive. They may compete for inheritance, for parental favors, for status within the larger family, and even for each other's love. Sisters can compete with each other for the regard and esteem of their brothers, just as brothers may compete with each other for the respect and regard of their sisters.

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In societies with a strong sense of family honor, the status of any one member of the family is impacted by the conditions of any/all other members of the family. It becomes the interest of family members to guard each other's dignity and wellbeing. While this might seem self-interest driven, it is in fact often from a deep sense of caring for each other, and a sense of duty/obligation. Especially in those many societies in which the state offers little in the way of social or financial services to their citizens, people look to their families as their social and financial security. In lower-income communities in Cairo for example, Diane Singerman argues,

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"families are intimately and extensively involved in almost all realms of social, political, moral, and economic life, such as educating children, childrearing, securing employment, negotiating the bureaucracy and the political elite, establishing and maintaining businesses, saving money, promoting morality and status, distributing resources and information, securing credit, organizing migration, policing sexuality, etc.. (Singerman 2006, 2; and 1995).

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The dynamics described above are found particularly in the Middle East, North African, the Mediterranean (Southern Europe), and South Asia. One of the reasons for the intensify of interdependency within families in these societies, is that states are often seen as either distant or distrusted actors who do not have the interests of their citizens as a priority. Those citizens generally turn to their families as both first and last resort in finding jobs, securing housing, finding partners, caring for their children, and care for the elderly, including care for themselves when they become ill or elderly. While family members often disappoint each other, fight over competing ambitions, or do not always live up to expectations, more often than not, it is to family that one turns.

284

Family law as codified by Muslim majority states may recognize and seek to support (or enforce) relationships beyond those involving parents and children. For example, adult children may be held

responsible for the maintenance of their incapable and indigent parents according to their (the children's) means. This is usually not gendered: daughters with means are implicated equally with sons to provide for their poor parents; proportions of maintenance due from each child are assessed according to their means, not according to their inheritance rights. However, it is the son who, in the last resort, may be legally required to bring parents to live in his household.

285 Some Muslim family laws extend the maintenance entitlement to other direct ascendants and descendants, according to the means of the maintainer and often also according to their standing as heirs. Responsibility for providing for other collateral relatives who become indigent or incapable of providing for themselves (siblings and their children, aunts and uncles and cousins) is often assigned by Muslim family laws to those of their presumptive heirs who have means, and in proportion to their presumptive inheritance shares (Nasir 1990 pp190-204). Besides the law of inheritance, family law may also place particular responsibility on brothers in the matter of the marriage of their sisters, as family guardian in the absence or after the death of the father and grandfather. This authority is contested as patriarchal (particularly when underpinned by state law) but can also be experienced as supportive as women negotiate support and standing in and between their natal and conjugal families.

286 Kin other than brothers or sisters are also used by many family members as a resource in times of need. Relationships with uncles, aunts, cousins, nephews and nieces turn out to be important social relationships. Even in patrilineal societies, matrilineal family elders can be an important source of connection. Joseph (1999) argues, that the mother's brothers, for example, can offer parental mentoring, guidance, employment and financial support. Although not much research is available, existing studies underscore that relationship and social solidarity are exercised in these extended family relations.

287 In the migration literature, both in the context of national as well as transnational migration there are ample studies suggesting the importance of kin relations both in the decisions, process of migration as well as everyday life of the migrant, especially women (IOM 2009). When there is migration, often brothers and sisters help each other by creating migratory routes, safe housing, transitional financial support, networking for jobs and creating relationships in new cities or countries. The maintenance of transnational families increasingly relies on the paid and unpaid work of extended kin (Parrenas, 2005; Dreby 2010), most of whom are women.

288 Dreby (2010) uses the term “middlewomen” to address the question of the other adults who care for children in transnational families. She found that the vast majority of children of migrant mothers who are left behind in Mexico are cared for by not just their grandmother but in particular their maternal grandmother. It is other women and not other men who care for children when their mothers migrate. This challenges the assumption that women’s migration results in increasing the care work carried out by other men. Maternal grandmothers are those likely to care for children because migrant mothers are often single parents, and because maternal grandmothers are seen as extensions of the mother.

289 Parreñas (2005) also found that it is other women who care for the children of migrant mothers. She found that migrant fathers predominantly maintained transnational families that mirrored nuclear households with fathers responsible for breadwinning and mothers for nurturing. These households relied minimally on “other adults.” In contrast, the families of migrant mothers were embedded in a wider extended family network. It was not the men left behind but instead other women, particularly grandmothers (both paternal and maternal), aunts, and older daughters who provided the primary care work of children. “Other women” are not necessarily financially motivated but instead are bound by a sense of familial responsibility, community pressure to “do the right thing,” and by their emotional attachment to the children. Yet, they do their work not without resentment and costs to themselves. Older daughters found their education adversely affected by the migration of their mothers and its subsequent effect of increasing their responsibilities in the home.

290 Throughout the world, families rely on the relationships of other familial adults to support family structures and relationships. Other adults within households and within extended families can provide emotional support, housing, financial contributions, employment, social relationships and networks, mentoring and guidance. These relationships are not without complications, including competition for inheritance, status, and power. Yet often, even with competitiveness, and at times, even with dysfunctionality, the care/control paradigm appears to operate to provide a floor of support for many families.

291 3. Conclusion and policy recommendations

The vast majority of the world's population lives the majority of their lives within family units, of all shapes and sizes. Regardless of the tremendous diversity in family type and composition, and the socio-economic, political and cultural contexts, all families have certain commonalities. They all must confront the need to balance production and reproduction, or, in other words, ensuring income and care. Most families, at some point, raise children, and we all age if we are lucky enough not to die young. At best, families also provide us with a sense of meaning and belonging. Here, we return to our key question: How can societies support conditions that allow families to flourish and at the same time promote individual dignity, equality and choice? Three broad criteria guide our recommendations: legal and cultural patterns should embrace plurality of families rather than punish them; that said, embracing plurality should not foster family forms that are inequalitarian or authoritarian (for example, defending polygamy, the rights of parents to use physical punishment to discipline their children, or child wives); on the contrary, states should actively promote more egalitarian relations and limit or outlaw harmful practices that are still present in many family arrangements; and finally, the burden that families carry regarding care, material support and nurturing should become less a matter of private capacities and more an issue of collective support.

The empirical evidence shows a broad trend toward legal acceptance of consensual adult partnerships, although with regional variation. On partner relations within families, the evidence shows that the overall tendency towards more gender equitable family law and greater gender equality in education, labor force participation, and asset ownership, is associated with improvements in women's bodily integrity and more shared decision making, and improvements in the wellbeing of the family as a whole. At the same time, these links are not automatic, and require concerted efforts by the state to both provide and enforce a legal framework in support of gender equality. On adult-child relations, the evidence shows that a state role in ensuring income floors to families with children is essential for children's physical and material wellbeing. Beyond this, ensuring a healthy balance of family, including paternal, care, and good quality institutional care allows children and their families to flourish. Finally, state efforts to protect children are most successful when they routinely support families in preventive ways rather than coercively removing children from their homes after maltreatment occurs. Overall, care for older people around the world remains centered in the family. The looming challenge for aging societies is to ensure access to pensions and care services to relieve the burden on families, especially already overburdened women, and to ensure the dignity of older people.

294 We establish a set of policy recommendations based on the empirical findings. In doing so, we first outline the legal rights and regulations that we recommend; second, we discuss state policy more broadly, including transfers and services; and third, we discuss how to finance such policies. Finally, we discuss family, community, and cultural transformations.

295 3.1. Legal rights and regulations

296 On family recognition, the goal of state policy should be to support the broader range of relationships in which people are organizing their family lives, consistent with promoting human dignity and fairness within and outside of these relationships. The following principles would further these goals:

- 297
 - Same-sex couples should be treated the same as opposite-sex couples
 - States may want to make available other formal partnership statuses besides marriage to support long-term caregiving that does not fit the traditional conjugal model and to ensure fairness for the partners if the relationship ends. Such formal statuses increase the likelihood that people will stay together to provide one another the care that each needs, and establish a stable relationship in the event of children.
 - Even those couples who do not formalize their relationships should be accorded some rights and responsibilities when a relationship is either long-term, especially when children are involved
 - We support the African Protocol of Women's Rights, which endorses monogamy but when not possible, calls for measures to be taken to support the property and rights of all wives, as well as to require the consent of all spouses to future marriages.
- 298
 - When determining which adults have parental rights and responsibilities, both biological and social factors should be given weight, and established relationships should trump biology alone. However, biological parenthood is a sufficient basis upon which to impose child support obligations.
- 299
 - Children born to unmarried parents should receive the same rights and protections as children born within wedlock. By the same token, unmarried parents should have the same legal rights to parentage as married parents.
 - Parents who live outside the child's household should be expected to pay a fair share of the child's support. However, agreements between parents about in-kind contributions to the child's care should generally be permitted

300 For rights and regulations *within* families, we recommend, broadly, laws that foster equality and dignity between partners and other adults, and respect and protection for children. More specifically, we recommend that women and girls, married and single, are equal to men and boys in every aspect of the law. For example, women should be able to sign contracts, initiate legal proceedings, open their own bank accounts and businesses, have full property rights equal to men's, full inheritance rights equal to men's, equal labor rights, and full civic rights equal to men – such as passing citizenship on to their spouses and children, voting rights, rights to run for and hold public office and the like – and have full reproductive autonomy. Women and men, girls and boys, should all have the right to live a life free from violence.

301 In adult-child relations, we recommend a recognition of the best interests of the child in legal arrangements for parental care, and custody. This includes the legal recognition of the rights of grandparents to access to their grandchildren; legal rights for same-sex couples; for cohabiting couples; for single parents; and for parents not living with their children. We recommend building mechanisms into child support systems that ensure that the obligor parent has the capacity to pay support and flexible adjustments as needed (also addressed below).

302 **3.2 State transfers and services**

303 Beyond legal rights and regulations, we recommend a set of state policies in the form of transfers and services. Given the massive transformations that families have undergone over the past half century, we recommend a strong, two-fold role by the state to ensure flourishing families, well-equipped to deal with 21st century challenges:

- 304 1. Transfers that guarantee a minimum income floor for all families with dependents (children, disabled, elderly)
2. Publicly funded health, education and care services with universal principles to allow families to maintain a healthy balance between the twin responsibilities of production and reproduction.

305 We address both in turn.

306 **3.2.1 Transfers**

307 First, as shown especially in Part 2.2, adult-child relations, states that provide income transfers to families on a broad basis are best able to ensure low levels of material deprivation among families. With

children, such transfers have important long-term effects in allowing nourished, educated children to become healthy adults. Thus, they are not only an investment in the present material wellbeing of families, but also an investment in future human capital. With older people and the disabled, transfers provide the ability to live in dignity, regardless of socio-economic status and/or family support. With dependent partners fleeing abuse, they provide the ability to support themselves. Such transfers should of course take into account local standards of living, but over-all should guarantee the ability of a family to live in basic dignity.

308 Beyond such guaranteed floors, or in the case that such guaranteed floors are established through legal family obligations, we recommend an active state role in ensuring the delivery of within-family legal obligations to financially support dependents. With children, such obligations refer to child support from the non-custodial parent, and with older people, some countries have established legal support obligations by adult children toward their parents. Finally, ex-partners may be liable for maintaining former partners in dependent positions as well. In these cases, to ensure the material wellbeing of the recipient, we recommend the state guarantee the monthly transfers to the recipients, and take on the responsibility of collecting the revenue from the obligor. In this way, the recipient does not unnecessarily suffer, and the state has an incentive to ensure enforcement. That said, we recommend constructive rather than punitive ways to collect on financial obligations, taking into account the financial ability of the obligor (as mentioned above). Such a policy can also ease any tension related to non-payment in the relationship between for example fathers and children, a problem that has been established in the literature with regard to non-payment.

309 Policies to guarantee income floors to families also contribute to family wellbeing and children's welfare by reducing risk conditions in which the family may be a setting for abuse or neglect. It is far more conducive to children's welfare to ensure decent housing with their own parent(s) than to remove them on child maltreatment grounds to live with a stranger.

310 We also recommend a strong state role in regulating and ensuring income support for employment-based leaves for care responsibilities. Beyond maternity leaves, which allow women to physically recover from childbirth, bond with and begin breastfeeding the newborn, such leaves should also encourage paternal co-responsibility regarding children, and male participation with other dependents. They should be available for same-sex and opposite sex couples, for cohabiting partners, adoptive parents, and for other arrangements in which adults are called upon to care for

children, older people, the disabled and other dependents. Such leaves should be funded either through social security or government tax revenue, to avoid labor market discrimination against potential recipients. Given that most people around the world work informally, efforts should focus as much on broadening coverage as on the legal reforms themselves. Without coverage extensions, reforms risk aggravating socio-economic inequalities between those who have formal jobs and those who do not.

311 **3.2.2. Publicly funded health, education and care services**

312 We make a call for publicly funded services to be broadly available in order to allow families to maintain a healthy balance between the twin responsibilities of production and reproduction. They need to especially cover the poor, but ideally provide services on a more universal basis. Universal services are important not only to ensure access for everyone, but also to foster a political commitment among the middle and upper classes to partake in these services. This is particularly important regarding services where children come together, such as early education and care services, public education, public health facilities, and public spaces for leisure and sports. Indeed, public options should be advantaged over private options at the early stages of children's lives. This not only has the advantage of limiting early onset of high opportunity inequality, but also, by limiting exit options for those better off, of sustained service quality and shared public goods as the well-off will use their political clout to ensure quality. Ultimately, sharing these services helps foster a broader cross-class culture of belonging among families.

313 The extension of publicly funded care services has a multitude of other benefits. These services have the potential to improve the lives of first, the caregivers whose burdens they help alleviate; second, the recipients of care; and finally, the care workers themselves. First, given how feminized care remains, care services that "defamilialize" part of family care, including early education and care services for children, and care services for the disabled and older people, can reduce the "double burden" especially on women. Such services - when they, importantly, correspond to typical workdays- free women up, when they so choose, to participate in the labor market and earn an income and thus materially support their families. This can at the same time enhance their bargaining power, providing for more egalitarian relationships. Overall, such services help families balance the twin roles of production and reproduction.

314 Second, these services are important for the well-being of the recipients. As discussed in the chapter, research has overwhelmingly established that high quality early childhood education and care has positive effects on children's wellbeing, equal opportunities, and

human capital. High quality care services for older people and the disabled are also vital in ensuring them dignity and autonomy, especially in societies with small or weak family units that are not able to care for their elderly family members. While informal family care-giving may work in specific areas, families need this relief from publicly funded services as well. If the services are outsourced to private, for-profit companies, they need systematic government regulation and monitoring to ensure quality.

315

Third, policies to promote publicly funded care services also provide governments with an excellent opportunity to extend decent jobs with a living wage and social security protections to those who will be employed in providing the services. Workers employed in the care sector around the world are overwhelmingly women, and have suffered from the “care penalty”, as discussed earlier, where they tend to be paid less and receive lower protections. Many of them work even in highly exploitative conditions, for example, the millions who domestically or transnationally work in paid domestic service. We recommend strong public regulation and guarantees of equal labor rights for all care occupations, both inside and outside households.

316

More specifically, we strongly recommend governments use the opportunity when investing in care services to create jobs in the formal sector with living wages and social security protections. A 2016 study of childcare workers in the United States found that lack of public support, minimal labor regulations and low wages, have forced 46% of childcare workers to meet their basic needs through at least one public safety net program such as food stamps, contributing to high stress and high turnover among workers (Whitebook et.al. 2016). This has negative effects not only on the workers but on the children as well. Some countries -for example Mexico and Colombia- have extended much needed care services by relying on “neighborhood mothers”, who receive a small stipend for their services but no formal contracts or labor protections. While such measures can rapidly meet immediate needs, they do little to provide these same women with the kind of employment that has the best effects on individual and family wellbeing over the medium and long term. In both cases, services are delivered, but at the cost of the long-term wellbeing of the low-income women who are employed in providing the services, and their families. Decent jobs in the formal sector, on the other hand, not only promote the wellbeing of these women and their families, but can also foster the reduction of socio-economic inequalities between families.

317

We also recommend universal access to health care services. Universal coverage is important, of course, for recipients and thus for individual and family wellbeing, but it is also important for family

caregivers. A recent study in *The Lancet* found that women provided billions of dollars' worth of unpaid work around the world caring for family members in the face of deficits in access to affordable health services (Langer et.al. 2015).

318 While all aspects of health care coverage are important for individuals and their families, we would like to highlight two. First, coverage should include mental health coverage. Ensuring parents' access to mental health care services reduces the potential for abuse and violence visited upon children, and helps keep families together.

319 Second, of particular weight from the perspective of our normative goal are services that ensure individual choice and dignity regardless of family circumstances. Here, services that enable women and girls to have full control over their own reproduction have been shown to have the best results for individual and family wellbeing. The empirical data is unequivocal when it comes to abortion policies; restricting access to legal abortion does nothing to bring abortion rates down, but simply pushes the procedure underground with very negative health effects. At the same time, while the evidence clearly demonstrates that legal and accessible abortion is a necessary element of ensuring women's and girls' health and wellbeing, the best way to promote a society with low abortion rates -something that many on both the reformist and conservative sides of the issue can agree is a desirable goal- is to ensure comprehensive access to sexual education and contraceptive services, including here the new technological possibilities for long term reversible contraception. We therefore call for a broad investment in the prevention of unintended and unwanted pregnancies, and in enabling wanted pregnancies, including ensuring access to pre and post-natal care.

320 **3.2.3. How to pay for state support for flourishing families?**

321 State expenditures for all the above policies require state revenues, of course. While income transfer policies require money and a way to deliver it, care services require more complex investments. Start-up costs for extending care services are likely to be especially high, as they require infrastructural investments. However, there are three ways in which the investments we deem necessary can pay for themselves over the medium to long term. First, with early childhood education and care services, as mentioned earlier, the expected returns for every dollar invested more than pay for themselves, in the form of higher human capital, and more stable, productive human beings later in life. Second, care services more broadly free up especially women to work, who then pay taxes and spend money, stimulating economic growth. Third, employees of care services pay taxes as well.

322 This said, we also make a strong call for tax reform. Many countries still have ample space to increase progressive taxation aimed at personal income and capital gains. Globally, taxes on capital mobility can contribute to finance global initiatives regarding the aforementioned policies. Also, we believe it is worth revisiting and recreating a strong inheritance and estate tax system. As discussed in our chapter, inheritance laws that allow wealthy families to pass on substantial parts of their wealth inter- generationally cement inequalities between families, and worsen inequalities of opportunity for children. Without increasing inheritance taxes, global inequalities -between countries and within countries- will grow much worse. National or even a global tax on inherited wealth, or an internationally agreed upon national tax on wealth might go a long way in turning structural trends towards increasing inequality into trends towards equality. The revenue from such a tax could also be used to make the investments we call for.

323 3.4. Culture, community and the family

324 Aside from the role for the state, cultural changes in the community and the family are needed to adequately meet the 21st century challenges for the wellbeing of families. On the level of the family, and relations within the family, the research shows that more equal access to income and wealth among husband and wife has positive effects on shared decision-making, more equal work burdens and improved family wellbeing. Egalitarian relationships within the family are not only preferable in and of themselves for reasons of self-fulfillment, dignity, and equity, but also for family wellbeing – especially for the children. Thus, all broader transformations that provide for more equitable relations between family members, based on respect, dignity and protection (for children specifically), should be encouraged.

325 As shown, women's behavior has dramatically changed over the past half century as they have massively entered the paid labor force and the public sphere/institutions more broadly. This has had tremendous effects on families, yet men have been slower to adapt, especially within the family and regarding the unpaid labor of care and domestic work. We recommend public education and awareness campaigns to promote gender equality not only in public institutions but within the family and in care responsibilities as well. Promoting more involvement of men in care is not only beneficial to women in reducing their "double burden", and to children as care recipients, but to men themselves; indeed, a study in Sweden showed a reduced suicide rate among men who took more paternity leave.

326 To conclude, families based on egalitarian principles, with supportive state policies that allow families to flourish, provide the most conducive setting to do what families can do at their best: provide a space where persons are loved and nurtured, love and nurture back, and are able to flourish to their fullest potential.

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- 703 [2] University of Florida, USA; University of North Carolina, USA; University of Iceland; CIESU, Uruguay; USC, USA; Centre for Women's Development Studies, India; Yale, USA; KORA, Denmark; University of London, UK
- 704 [3] Yale University, USA; Yale University, USA; Yale University, USA
- 705 [4] The authors of the chapter debated these conceptual distinctions, and some were critical of the implied public/private boundary between states, markets and family, rather seeing the family, market and state as mutually constitutive.
- 706 [5] The authors debated about which words to use here. Initially the choice of the team was autonomy and dignity, but some authors felt the first term reflected Western values.
- 707 [6] Authors debated whether to use institutions or spheres in this context. Noting both allows for different perspectives.
- 708 [7] While analytically this is a useful distinction, and it does depict dominant logics, this sharp distinction usually neglects the degrees in which these different logics interact and in many cases are present interchangeably. Cross-cultural feminist studies have made the case that familism is highly operative in the political and market arenas in many middle-eastern and south-east Asian countries. Of course by claiming that it is familism that is present in markets they are to an extent accepting the idea that family logics are different from market logics in analytical terms. Yet analytically accepting the latter does not imply empirically accepting the former. It is in western societies that this distinction holds most truth in both empirical and analytical terms. In regions where markets are still intertwined with communal and family domains such a claim should at least be problematized. And this is particularly important regarding issues of gender inequality. When familism spills over into market dynamics, it does so

with all the baggage that unequal and hierarchical gender relations have, thus reinforcing gender inequality. Relatively impersonal markets are no guarantee of gender equality, but they at least do not explicitly carry into markets norms and roles based on hierarchical gender arrangements at the family level.

- 709 [8] While it is a contested issue if inequality has increased when the unit of analysis is the world, there is no doubt that it has increased at the country level. The apparent paradox is due to the fact that lower income countries have been closing the wealth gap with developed countries –especially when we consider China and India-. Thus overall inequality might have decreased since the average Chinese is today closer in terms of income to, say, the average European. But within its borders Europeans, Americans and Chinese people are more unequal.
- 710 [9] Patriarchy is usually the short term used for such a definition of unequal and hierarchical gender regimes and family arrangements. Yet the particular form that this concept has taken in Western literature conveys additional features that do not adequately reflect other forms in other societies. Thus the choice of the authors is to use the longer conceptual and neutral form of addressing such inequalities and hierarchical arrangements.
- 711 [10] If anything, proletarianization had a deeper and more lasting effect in limiting the patriarch's power over their male off-spring, especially as they grew and entered the industrial labor force.
- 712 [11] In 1970 33 countries reported that at least 10% of women had never married by age 50; by the 2000s this figure had increased to 41 countries. For men, the increase was from 31 to 49 countries (UNDESA 2011: 2). However, not all countries consistently report those in consensual unions as a distinct marital status, and thus may overstate the number of never married individuals.
- 713 [12] According to Mintz (2015: 169), the marriage rate has fallen since the 1980s in countries accounting for 87% of the world's population.
- 714 [13] In the U.S. case, see for example Michael H. v. Gerald D.
- 715 [14] For the United States, see for example *Levy v. Louisiana*, 1968; *Johnston v. Ireland*, 1987 Chile was among the last countries in Latin America in 1998 to equalize the rights of children born in and out of wedlock.

- 716 [15] This said, it should be kept in mind that in any specific society, who counts as family or what counts as family can change depending on what is being mobilized or negotiated.
- 717 [16] However, it should be noted that claims, legitimate or otherwise, are almost always contested and a field for negotiation within and between family members.
- 718 [17] Although often inconsistently and differentially by class and other social variables.
- 719 [18] Inheritance taxes have been the subject of theorists of justice. Bracewell-Mines (2002) has been an advocate for abolishing estate and inheritance taxes, and Friedrich Hayek, Milton Friedman and Robert Nozick –at least the early Nozick- combine normative and efficiency arguments to defend inheritance and attack taxes on inheritance. Rawls, Sen, Dworkin and most other philosophers on social justice see no rationale for inheritance and defend different systems of cap and tax in such actions, when not its radical dismissal. The recent work by Piketty and Atkinson make estate and inheritance tax a needed topic for tax reform in order to combat inequality.
- 720 [19] Again, the concept of autonomy and choice was critiqued by some authors as reflecting Western values.
- 721 [20] The study investigated property rights, legal capacity and constitutional protection. The indicators, however, do not include regulations regarding divorce.
- 722 [21] Until 1978 in Spain and 1984 in Switzerland, wives needed their husbands' permission to be employed; In France, until 1985 only the husband could administer the marital property (Hallward-Driemeier et al. 2013).
- 723 [22] In Latin America, the main post-CEDAW reform has been establishing gender equality in household representation and management, so that both or either the husband or wife can administer marital property; six Latin American countries had already adopted such pre-1979 (Deere and León 2001: Table 2.1).
- 724 [23] Bangladesh and Pakistan have made much more progress in attaining gender equality than Egypt, Jordan or Saudi Arabia. Also, not much progress has been attained in countries as diverse as India, Kenya and Nigeria. Iran and Indonesia back-tracked, scoring lower in 2005 than in earlier periods (Htun and Weldon 2011). Since 2005, Egypt, Morocco and Tunisia have taken measures related to women's capacity to pass citizenship on to their spouses and children.

- 725 [24] CEDAW was an outcome of global organizing efforts associated with second wave feminism. Its passage in 1979 built on momentum created by the first UN Conference on Women in Mexico City in 1975.
- 726 [25] Eight countries have not ratified CEDAW, among them, the United States (which, however, signed the convention), Iran, Somalia and Sudan (Byrnes and Freeman 2011).
- 727 [26] Byrnes and Freeman (2011) attribute much of this progress to momentum provided by subsequent UN Conferences on Women (in 1980 and 1985) and other human rights conferences, and the process of periodic review by the CEDAW committee to which signature countries are subject to. The review process provided a space for civil society organizations to pressure governments into both the removal of reservations and compliance. CEDAW standards have also been used to develop or review legislation and to pursue judicial redress.
- 728 [27] In full community property regimes, the principle of shared ownership applies regardless of when the property is acquired. However, in partial community property regimes, individual inheritances and property acquired before marriage continue to be recognized as the individual's during marriage, although earnings resulting from such property are generally still pooled. See Deere and Doss (2006).
- 729 [28] A remaining source of gender inequality in family law concerns custody and guardianship over children. In the 10 Muslim majority countries that reformed their divorce legislation between 1984 and 2006, the mother always gets custody of young children, but in seven countries, they lose custody of sons at a younger age (most frequently age 10) than they do daughters. The only two countries to treat children equally irrespective of sex are Jordan (where they remain with the mother until puberty) and Morocco (where they do so until age 15) (Hassani-Nezhad and Sjörgen 2014: Table 1).
- 730 [29] The results for the province of Ontario (where separation of property is the default marital regime) were compared to those for the province of Quebec (where community property is the default, and hence where women have a stronger fallback position upon divorce). In Quebec, where the divorce legislation (that gave wives a right to the assets accumulated during the marriage) was not needed, there was no change in suicide rates over this same period (Adam et al. 2011).

- 731 [30] For a detailed analysis of the factors contributing to this increase and long-term trends see Goldin (2006); Greenwood, Seshadri and Yorukoglu (2005); Goldin and Katz (2002); Bailey (2006); and Blau and Kahn (2016).
- 732 [31] Olivetti and Petrongolo (2016) also note that countries with high employment gaps tend to have lower wage gaps than countries with low employment gaps, as the average working woman is more positively selected into employment than the average working man.
- 733 [32] Based on the Demographic and Health Surveys program by the United States Agency for International Development. Countries surveyed were all in Sub-Saharan Africa, in addition to Bangladesh, Nepal and India.
- 734 [33] Historical data for the US suggest that women typically fared better in community property states than in common law states. A study of estate tax records in the 1950s found that women owned 49% of the reported wealth in community property states, but only 38% in common law states (Lapman 1962 in Deere and Doss 2006).
- 735 [34] Ranging from 73% in Guatemala to gender parity in Nicaragua and Panama.
- 736 [35] Analyzing the data by cohorts, the study found that the gender asset gap remained the same in the Philippines, Ethiopia and South Africa and increased in Bangladesh, Mexico and Guatemala. In the latter two countries, the increase occurred even though the value of total assets that women brought to marriage increased.
- 737 [36] Egalitarian decision-making was defined as where both men and women report making these decisions jointly, and agree that the other spouse does in fact participate in these decisions.
- 738 [37] See Doss (2013) for an excellent summary of the intra-household bargaining literature and the methodological challenges involved, particularly the problem of endogeneity. Also, the positive association between women's bargaining power and the various outcomes does seem to be sensitive to the choice of proxy and specific cultural contexts.
- 739 [38] While this trend may explain the greater representation of American women in management, career interruptions and reduced work hours induced by childbirth remain significant obstacles for advancement in finance, business, and other competitive professions (Bertrand et al. 2010; Goldin and Katz 2011).

740 [39] There are several reasons for this, one of the most important being cuts in social expenditures by the state, which tends to affect women especially adversely as the additional burden for caregiving typically falls on them.

741 [40] Washbrook used a sample of 1170 households from the UK Time Use Survey, a national household-based survey with questionnaire and time diary components (Washbrook 2007).

742 [41] In a study for the European Commission using the European Union Statistics on Income and Living Conditions.

743 [42] Violence against women also includes violence carried out by those other than spouses or partners, as well as all forms of sexual violence, trafficking of women, female genital mutilation and honor killings (WHO 2013).

744 [43] Men are also the victims of IPV at the hands of women. In the United States the prevalence is much lower than female victimization and tends to have fewer severe physical or emotional consequences; also, it often takes place in the context of bi-directional violence (WHO 2010; Williams et al. 2008).

745 [44] The WHO's study provides the most reliable regional and global estimates to date and is a mega review of current relevant studies. It did not include emotional violence as this is measured less consistently across different studies. In most country-level surveys, the incidence of emotional abuse far exceeds physical or sexual IPV.

746 [45] There can be considerable variation for countries within a region, as well as between rural and urban areas in a given country. For example, Table 17.1 shows Latin America falling in the mid-range of prevalence (29.8%). Local level studies carried out by WHO in 10 developing countries found that in a Peruvian rural area surveyed, the incidence was 69%, similar to the highest prevalence found in Africa (a rural Ethiopian site, where it reached 70.9%.) In Brazil, the rural estimate was 36.9% and the urban, 28.9% (WHO 2010: Table 1; also see Abramsky et al. 2011).

747 [46] Figures are considered minimum estimates. The figures complicate a linear association between IPV and its consequences with the level of a country's wealth or economic development. However, they may reflect better reporting of homicides and their perpetrators in high income countries, and may thus be less comparable.

748 [47] This might be expected given the different methodologies employed, including the reference period (lifetime or past year IPV), the group analyzed (current or ever partnered women) and how women's economic status is measured (absolutely or in terms of couple status differences).

749 [48] Both variables might be determined by the same factor, for example, by the controlling behavior of the husband (Kishor and Johnson 2004). See Moe and Bell (2004) for an excellent study on how IPV in the US negatively affects women's employment and employability.

750 [49] This same analysis found that the increased provision of other services to victims at the county level, such as shelters and hotlines, did not impact the reporting of abuse. Other factors the authors associate with the decline of IPV in the US include women's rising economic status and the aging of the population. According to data of the US Bureau of Justice Statistics, IPV has continued to decline in the US, falling 64% between 1993 and 2010 (BJS 2012).

751 [50] Some 119 countries now have some sort of legislation proscribing domestic violence and/or violence against women (UN Women 2015).

[51] Htun and Weldon (2012) used multivariate regression analysis, with the dependent variable being the scope of government policies and programs on a scale of 0 to 10.

753 [52] The fourth dimension of participation has been emphasized in the Convention of Children's Rights but as this has already been addressed in the section on family recognition we do not discuss it here.

754 [53] Child well-being is of course a multi-dimensional concept and more complex measures are also available (see eg. OECD 2009). However, given the massive constraints in producing valid and reliable cross-national data, especially in developing countries with low state capacity, we use simple measures as rough proxies.

755 [54] Material poverty is difficult to easily measure across countries and regions, due to a variety of challenges, including differences in the cost of living and access to non-monetary goods (eg. subsistence agriculture). See

[http://databank.worldbank.org/data/Views/Metadata/MetadataWidget.aspx?
Name=Poverty%20headcount%20ratio%20at%20\\$1.90%20a%20day%20%282011%
\(http://databank.worldbank.org/data/Views/Metadata/MetadataWidget.aspx?
Name=Poverty%20headcount%20ratio%20at%20\\$1.90%20a%20day%20%282011%](http://databank.worldbank.org/data/Views/Metadata/MetadataWidget.aspx?Name=Poverty%20headcount%20ratio%20at%20$1.90%20a%20day%20%282011%20-%202016&Country=Kenya)

- 756 [55] As stated by an expert witness in *Nicholson v. Williams*, “The attachment between parent and child forms the basis of who we are as humans and the continuity of that attachment is essential to a child’s natural development.” 203 F. Supp. 2d 153, 199 (E.D.N.Y. 2002) (testimony of Dr. Peter Wolf), vacated in part and remanded by *Nicholson v. Scoppetta*, 116 Fed. Appx. 313 (2d Cir. 2004).
- 757 [56] Using the World Bank definition,
<http://data.worldbank.org/income-level/HIC>
- 758 [57] In Thailand this was with the ‘1st National Policy for Older persons’ and in Singapore by forming the ‘Committee on the Problems of the Aged’
- 759 [58] Since poor households neither could maintain a large family or could afford patriarchal restrictions on women’s economic life the relations between elder siblings be it brothers or sisters are found minimum.