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The Default Model: Gender Equality, Fatherhood, and Structural Constraint

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> One must recognize the crucial role of structures in producing injustice, even in cases where individual actors may be going about their business in a normal way and not intending to do any harm. (Nussbaum 2011)

What does a political commitment to gender equality mean in the context of fatherhood? In what ways should the state support or compel fathers so as to affect greater gender equality? If there is any consensus on these questions in the gender literature, then it is that existing family leave policy — even the most progressive — has fallen short of a satisfactory answer. Typically, this failure is understood either in economic terms — that policy provision is simply inadequate in scale — or in terms of individual preferences that should be encouraged to change. Indeed, both of these approaches intend to incentivize men to take up more caring duties, a theme that has become central to the politics of gender equality (Gornick and Meyers 2008; Haas and Rostgaard 2011; Hobson 2002; Kamerman and Moss 2009).

Some scholars, such as Brandth and Kvande (2009a), Haas (2003), and myself (Browne 2006), have conducted large-scale empirical studies of employing institutions and the particular problems therein associated with gender equality and related policies, such as parental leave. From

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these detailed studies, it seems clear that effective policy must be built upon a nuanced picture of not only how fathers are limited by economic considerations or driven by individual aspirations, but also of how they are constrained by a complex range of structural and institutional factors. My argument here is that, despite gender equality being a fundamental right of all European citizens, existing approaches fail to address such crucial structural and institutional factors, and little has been offered in these empirical studies by way of a new direction. To this end, I turn to the "default model" of political philosophers Gheaus and Robeyns (2011) and consider its merits as a state-level approach to gender equality.

What follows is divided into three main sections. The first provides some context for the arguments presented in subsequent sections. I begin by introducing the concept of "relational fatherhood," which is useful for thinking about the efficacy of policy models aimed at working parents and gender equality ideals. I go on to illustrate the shortcomings of existing parental leave provisions, focusing on two very different European models. On the one hand, I present the UK approach, which offers relatively low levels of provision to parents, and on the other, I consider the Nordic approach, using Sweden, Norway, and Iceland as examples. All of these Nordic states (along with Finland) are widely considered as having developed the most effective public policy for facilitating the combination of parenting duties and employment. Nonetheless, these Nordic policies have been criticized in recent debates as failing to deliver sufficient gender equality.

In order to think about how these criticisms might inform ideal policy design, I analyze, in the second section, a proposal by Gheaus and Robeyns (2011, 174), who employ "the normative power of defaults." While I consider this model appealing, I argue that its key objective, to motivate fathers to take on greater primary-carer roles, should not be the principal basis on which to design parental leave policy. Instead, in the third section, I focus on the more structural constraints facing relational fatherhood. I present a series of responses from qualitative interviews with a number of corporate leaders based in Britain with responsibility for a great many employees (often worldwide). Their insights indicate how the choices made by fathers cannot be reduced simply to the particular aspirations of the individuals in question or corollaries of economic facts but are formed by a range of expectations, pressures, and restrictions that are part of the institutional fabric itself. I argue that current state approaches to gender equality lack the necessary focus or mechanisms for addressing these structural constraints at the institutional

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level and that a reinterpretation of Gheaus and Robeyns' default model has much to offer by way of solution.

FATHERHOOD SHAPED

There are, of course, many types of fathers: genetic, step, adoptive, or otherwise legally designated. The father can be partnered to the genetic mother, with a nonrelated partner, single, or one of two gay fathers. He might be a "long-distance father," estranged, absent, or even unknown. Irrespective of the various biological and legal characteristics and circumstances, the central feature of *fatherhood* is the way in which a father relates to his child.[1] Here, I focus less on the aspects of fatherhood that concern the economic or symbolic relationships between father and child. Rather, I concentrate on "relational fatherhood," a concept intended to capture a basic condition of parenting: *time* spent personally interacting with a child — physically caring, playing, emotionally engaging, educating, etc. — which is a crucial theme of gender politics. The most concentrated form of relational fatherhood is the "primary-carer father," who takes (even if only for a relatively short period) the primary responsibility for childcare.

While the facilitation of relational fatherhood is not an explicit political goal for most European states, the promotion of gender equality most certainly is. My argument, however, is that any society in which relational fatherhood is substantially limited is intrinsically unequal in the key respect of how fathers and mothers are able to relate to their children. Scholars in this area are all too familiar with the ways in which limitations of this kind result from policy design that is inadequate or underfunded, such as that of the UK. Moreover, even generously funded provisions, such as those often found in the Nordic states, also result in more gendered outcomes than might have been hoped (see, for example, Brandth and Kvande 2009b; Haas and Rostgaard 2011). Some critics use this observation to refocus discussion away from economic incentives onto a broader conception of how individual behavior might be changed (e.g., Gheaus and Robeyns 2011). My argument is that these analyses underplay the structural constraints on relational fatherhood and, in particular, the power relations between individuals and institutions.

1. This interpretation of fatherhood chimes with the work of psychologists Golombok (2000) and Lamb (2010).

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UK Approach

The Conservative-Liberal Democrat coalition government of the United Kingdom is split in its opinion on the merits of extending parental leave beyond the most basic of provisions. David Cameron, the Conservative prime minister, has labeled it as nothing more than "political correctness,"[2] while Nick Clegg, the Liberal Democrat deputy prime minister, described earlier policy as "Edwardian" and championed reform.[3] These reforms, however, fall far short of the substantive changes needed, and it continues to be the case that strong economic incentives against relational fatherhood persist.

As a full member state of the European Union (EU), the UK is directly subject to a wide range of laws, social policy objectives, and principles that are set and monitored at the supranational EU level, including the European Court of Justice and European Court of Human Rights. One such example is the Principle of Equal Treatment, which is a foundational principle of all EU equality and antidiscrimination law widely considered the most sophisticated equality legislation in the world. The Principle of Equal Treatment is the legal requirement that individuals who are alike in relevant and specified respects be treated equally.[4] The question that immediately follows in the context of parental leave is, what are the relevant respects in which a father and a mother can be alike and thus be treated equally?

Under the Principle of Equal Treatment, "pregnancy" is a specific condition that qualifies mothers as being in an exclusive category. Fathers, then, cannot be like mothers "in the relevant respect" and, therefore, are lawfully excluded from maternity leave. As EU law sets out,

> Maternity leave . . . is intended to protect a woman's biological condition and the special relationship between a woman and her child over the period which follows pregnancy and childbirth, by preventing that

2. See BBC news (January 17, 2011). http://www.bbc.co.uk/news/uk-politics-12204079 (accessed December 12, 2012).

3. Deputy prime minister "Parenting Speech" (January 17, 2011). www.dpm.cabinetoffice.gov.uk/news/parenting-speech (accessed December 12, 2012).

4. The EU principle of equal treatment, for example, requires that all people — and in the context of the workplace, all workers — have the right to receive the same treatment and will not be discriminated against on the basis of sex, age, disability, nationality, race, and religion. "Equality between women and men" is a fundamental principle under Article 2 and Article 3(2) of the EC Treaty and the case law of the European Court of Justice. These Treaty provisions proclaim equality between women and men as a "task" and an "aim" of the community and impose a positive obligation to "promote it in all its activities" (Directive 2002/73/EC of the European Parliament and of the Council of September 23, 2002, amending Council Directive 76/207/EEC).

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> relationship from being disturbed by the multiple burdens which would result from the simultaneous pursuit of employment. (Case C-366/99 *Griesmar* [2001] ECR I-9383, paragraph 43)

Accordingly, maternity, paternity, and parental leave can be provided as distinct forms of leave, as is the case in the UK: Statutory Maternity Leave from employment in the UK is available for a total of 52 weeks and is paid for a maximum of 39 weeks, six weeks of which are paid at 90% of average gross weekly earnings and the remaining 33 weeks at £135.45 per week (or 90% of average gross weekly earnings if lower).[5] Paternity leave is available to the father (or partner of the mother) for two weeks and is paid at the same rate as the lower standard of Statutory Maternity Pay. Since 2011, if a child's parents decide between them to extend the father's paternity leave, then up to 19 weeks' paid leave is available (at the same rate of £135.45) but only if the mother has already returned to work and has left the required amount of her leave unused so as to transfer it to the father/coparent. The father (or coparent) may only take this "additional paternity leave" after the first 20 weeks of the child's life and before the child is twelve months old. Finally, under the EU's Revised Framework Agreement on Parental Leave Directive, citizens of the UK can apply for four months' leave, including at least one month's entitlement exclusively for the father (or coparent). The EU introduced the Parental Leave Directive to "encourage men to assume an equal share of family responsibilities."[6] The UK, however, has interpreted this leave entitlement as unpaid (a choice entirely at the EU member state's discretion).

The most recent UK Equality and Human Rights Commission (EHRC) Report (2009), based on interviews with 4,500 parents, states that the take-up rate of paternity provision (set at the statutory rate) is around 55%. For context, the UK national median salary is £539 per week (Office for National Statistics, UK Government 2011). Thus, it is easy to see how many working families would struggle to decrease family income by 75% to £135.45 per week. The EHRC reports that of the 45% who did not take up this paternity leave, 88% said they would have liked to but were unable to do so. Reasons given included unsupportive employers and work commitments (19%) and the fact that respondents could not afford

5. These policies are administered by central government from which employers can recover between 92% and 100% of employee leave paid (see www.direct.gov.uk).

6. Point 8 of the Preamble to the Framework Agreement on Parental Leave annexed to EC Parental Leave Directive 96/34/EC.

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to take the leave at its current level of pay (49%) (EHRC 2009, 18). Moreover, 54% of fathers with children under the age of one year stated that they felt they spent too little time with their children, and 53% of parents reported that their current arrangements were by "necessity rather than choice" (17).

As "additional paternity leave" legislation only came into force in the UK in 2011, there is as yet insufficient data on the take-up rates, but the likelihood is that the restriction of paternity leave to the statutory rate means it will be low. The summary of the EHRC (2009) reports that, overall, 60% of parents think fathers are unable to spend as much time as they need with their children due to working arrangements and conclude: "Modern mothers and fathers defy the Fifties stereotype of stay-at-home mums and breadwinner dads. They aspire to approach parenting as a team effort, shared between mothers, fathers, partners and other careers." But UK policy inhibits relational fatherhood. The limitations and, in particular, the low levels of pay for these provisions tend to herd parents into unequal caring roles along stereotypically gendered lines. Aspirations of more equal parenting are, in general, outweighed by the economic implications of current policy, which makes no serious attempt to facilitate relational fatherhood and, in so doing, compounds gender inequality. This contravenes what we might think the Principle of Equal Treatment ought to be about.[7]

Nordic Approach

As many of us interested in gender politics have come to expect, the Nordic states provide particularly generous options for working parents.[8] Indeed, it is always the Nordic states that compete for first place in rankings of equality and socially progressive policy design reported by, for example, the World Economic Forum's Global Gender Gap Report (Hausmann, Dyson, and Zahidi 2012) and the United Nations Development Programme's Human Development Report (2011). Generous Nordic parental leave entitlements, unlike those of the UK, offer a period of well-paid

7. See also Case C-184/83 *Hofmann* [1984] ECR 3047, paragraph 25; Case C-222/84 *Johnston* [1986] ECR 1651, paragraph 44; Case C- 312/86 *Commission* v. *France* [1988] ECR 6315, paragraph 13; and Case C-285/98 *Kreil* [2000] ECR I-69, paragraph 30.

8. See, for example, Gislason and Eydal 2011. There is, of course, great international variation in terms of policies relating to economic activity and childcare. See, for example, Moss 2011. For various typologies of European welfare regimes, see Esping-Andersen 1990; Galvez-Munoz, Rodriguez-Modrono, and Dominguez-Serrano 2011; Lewis 1992.

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nontransferable leave to both the mother and the father ("use-it-or-lose-it" parent-specific quotas), as well as similarly well-paid longer periods of leave that can be taken by either parent. In all cases, the state and employer share the cost of parental allowance (which is taxed like other income and counts toward pensions).

The current Icelandic government, a coalition of the Social Democratic Alliance and the Left-Green Movement, currently ranks at the top of the World Economic Forum Global Gender Gap Report (2012). Although Iceland is a member of the European Economic Area (EEA) and is a candidate state for full membership of the EU, its citizens are provided with numerous state provisions, including parental leave, that are far more generous than basic EU requirements. All working Icelandic parents have a right to nine months' paid leave at 80% of earnings for earnings lower than ISK 200,000 (£1,005) per month and 75% of earnings over ISK 200,000, up to a ceiling of ISK 300,000 (£1,508) per month. Mothers are entitled to a nontransferable period of three months (one month of which may be taken before the birth). Fathers (or coparents) are similarly entitled to a nontransferable period of three months (use-it-or-lose-it policy) followed by provision of a further three months that either parent can take. In 2008, fathers took an average of 103 days leave as compared to 178 days by mothers, with total leave taken by fathers constituting a third of all leave taken (Einarsdóttir and Pétursdóttir 2011).

Sweden is presently governed by a coalition of the Moderate Party, the Liberal Party, the Centre Party, and the Christian Democrats.[9] A full-member state of the EU (like the UK), but with a longstanding history of family and employment policy provision, Sweden far exceeds the current EU interpretation of the Principle of Equal Treatment. In addition to a two-week period of maternity leave and ten days of paternity leave, working parents are provided with 240 working days each of paid parental leave per child. (Swedish leave is purposefully calculated in days rather than weeks or months so as to encourage more flexible use of leave entitlement.) Of these 480 days, 390 are paid at 80% of earnings to a ceiling of SEK424,000 (£38,896) per year, and the remaining 90 days are paid at a standardized set rate of SEK180 (£16.50) per day. Reserved

9. Although, in the context of Nordic coalitions, this is a center-right government that campaigns for higher tax cuts, for example, it nevertheless operates within the Nordic approach, which is based on a very highly developed welfare state, a strong commitment to social equality, and powerful trade unions. In the context of non-Nordic member states of the EU (including the UK), the Swedish coalition policies would be considered left of center.

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for each parent are 60 days of paid parental leave. The rest can be transferred to either parent. In 2010, fathers took virtually all of their paternity leave (97%), but only 23% of all parental leave days (Haas, Duvander, and Chronholm 2011). The Swedish government also provides a "gender equality bonus," which is a tax reduction for the parent who has stayed at home the longest when he or she returns to work if the other parent uses the Parental Leave for more than his or her 60-day quota period (Swedish Government Parental Leave 2012; also see for further details, Haas, Duvander, and Chronholm 2011).

The current Norwegian government is a coalition of the Labor Party, the Socialist Left Party, and the Centre Party. It is a member of the EEA and is renowned for offering the most generous parental leave provisions despite not being a member of the EU. In addition to nine weeks' maternity leave and ten weeks' use-it-or-lose-it fathers (or coparent) quotas, working parents are provided with paid parental leave of up to 56 weeks at 80% of earnings or 46 weeks at 100%, up to a ceiling of NOK437,286 (£46,055) per year (Brandth and Kvande 2011), which can be taken by either parent. In 2008, 90% of fathers took their full fathers quota, but only 16.5% of fathers elected to extend their leave beyond the reserved ten weeks (Norway 2012).

Many scholars have written about the positive benefits of these Nordic provisions of leave with a particular focus on increased gender equality in both the workplace and the domestic sphere (see, for example, Hobson 2002; Kameman and Moss 2009). Certainly, many commentators in countries other than those of the Nordic region see these models as almost utopian. Gheaus and Robeyns (2011) make this point, in particular, in comparison to the United States, which has no federal provision of paid maternity, paternity, or parental leave at all.[10]

But recent debate on Nordic parental leave policies has taken a different direction. Despite seemingly ideal approaches in Sweden, Iceland, and Norway, which provide generous periods of well-paid leave for both parents and evidence to suggest that changes in those policies (in particular increasing quota periods for fathers' leave) do lead to greatly increased take-up rates by fathers (see, for example, Brandth and Kvande

10. The US Family and Medical Leave Act (FMLA) requires employers of more than 50 staff members to provide up to 12 weeks of *unpaid* leave. Five states provide "temporary disability insurance programs" that provide parental leave for up to 12 weeks (with no distinction between maternity and paternity) at the following proportions of average salary to various ceilings of benefit: California (55–60%), New Jersey (66%), New York (50%), Hawaii (58%), and Rhode Island (85%). Minnesota, Montana, New Mexico, and Washington have also put in place some minimal provisions for parents (DelPo and Guerin 2011, 206; also see Kamerman and Waldfogel 2011).

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2009a; 2009b; Haas and Rostgaard 2011), several feminists argue that these policies do not go far enough in terms of gender equality. Their argument is focused on the fact that mothers tend to take the majority of leave available to either parent (as set out in the Nordic policy provisions above) and call for longer periods of nontransferable leave or, in some cases, that all leave should be split *completely equally* between mothers and fathers as nontransferable. This sort of argument has, for example, been developed by Gornick and Meyers (2008). Their "gender equalizing" family leave policy model requires that all employed parents be granted the right to take six months' nontransferable leave with full job protection paid at 100% of earnings with a ceiling cap. (Single parents would be entitled to nine months under the Gender Equalizing model.) This policy model, they suggest, "substantially increases incentives for father's participation" (324), thereby increasing gender equality.

The problem with such an approach, however, is that it is overly prescriptive. It seems unfair to the family unit and, in particular, to the child that there is so little flexibility in how and by whom the leave is taken. In effect, if one or the other parent does not feel that he or she can or wants to take the full extensive period of leave under this model, then the family will receive no further provision. While the three Nordic states discussed here have all successfully increased fathers' take-up rates of relatively short periods of leave with use-it-or-lose-it policies, it seems overly interventionist to demand that parents split *all* of the leave entitlement equally in the pursuit of greater gender equality, irrespective of personal circumstances and preferences.

RELATIONAL FATHERHOOD, GENDER EQUALITY, AND IDEAL POLICY

So, what sort of approach would be "ideal?" Here, I turn to the "default model" that has been developed by two political philosophers, Gheaus and Robeyns (2011). Like Gornick and Meyers, Gheaus and Robeyns are concerned that even in the most socially progressive countries, such as Norway, as many as 83.5% of men do not take leave beyond the fathers' nontransferable quota of ten weeks. Not satisfied with the overly prescriptive Gender Equalizing model, however, Gheaus and Robeyns (2011, 183) ask, "Is there something more we can do to *motivate* fathers to take leave than only making it paid rather than unpaid, and making it entirely non-transferable" (italics added)?

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Their solution is the "default model." In a vein similar to the Gender Equalizing model, the default model requires six months' well-paid parental leave for both parents (the father's leave follows the mother's but allows four weeks' simultaneous leave around the birth of the baby). Gheaus and Robeyns (2011, 185) argue that "This will strongly encourage him [the father] to learn the necessary hands-on caring skills for the new-borns which, in turn, may have long-term egalitarian effects on the gender division of labor within the family."

Where the default model crucially differs from the Gender Equalizing approach, however, is the equal split of leave between mothers and fathers, which is set only as a default with the option to transfer leave to the other parent. By default, Gheaus and Robeyns mean the provision mothers and fathers would automatically receive unless either decided to opt out. Rather than the total nontransferable approach proposed by Gornick and Meyers, behavior is guided rather than strictly prescribed (or constrained).

Gheaus and Robeyns suggest we look to the example of organ donation as an illustration of how successful default policy models can be in guiding behavior. Certainly, analysis of the recent work of Farrell, Price, and Quigley (2011) and, in particular, Lötjönen and Persson (2011), supports Gheaus and Robeyns' claims. Their work on organ donation policy clearly shows that Nordic countries have the highest rate of deceased donor organ transplantation in the world with attendant low rates of deaths related to lack of donor organs. These successes are principally due to the fact that there is a national scheme of "presumed consent," whereby all deceased citizens are deemed to be organ donors unless they have formally registered to opt out of the scheme or their close family members object to organ donation at the time of death. Accordingly, the majority of Norwegians remain donors and to do so is considered by many to be a national and moral duty. Alternatively, the UK's "opt-in" scheme, to which each individual must register to become a donor, has resulted in one of the lowest organ-donation rates in Europe, despite high levels of public support for organ donation in general (Farrell, Price, and Quigley 2011). The higher death rates (currently 1,000 a year) due to lack of available organs is unsurprising.[11]

11. The most recent statistics produced by the UK National Health Service show that "more than 10,000 people in the UK currently need a transplant. Of these, 1000 each year — that's three a day — will die waiting as there are not enough organs available" (see the home page of the NHSBT Organ Donation website: http://www.organdonation.nhs.uk/ukt/).

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Gheaus and Robeyns offer persuasive arguments for why the default model would yield a more desirable outcome for gender equality than existing models or the Gender Equalizing model proposed by Gornick and Meyers. The first is that to make a decision other than the set default has unattractive costs, such as taking the time and effort to opt out and also to acquire the relevant information to do so. This, in turn, leads to the second argument, which is that there is a normative element to the default position, suggesting assurance that the policy provisions have been thoroughly investigated and approved by both government experts and society as the right decision. By applying these characteristics to parental leave policy, Gheaus and Robeyns believe that fathers will be maneuvered into fuller primary-carer roles with subsequent positive social outcomes.

While my view is that the Gheaus and Robeyns' (2011, 183) default model is the most appealing to date, they put too strong an emphasis on *motivating* men to take up primary-carer leave: "Those who would 'opt out' of default will also have to directly face the loss of the opportunity to spend crucial months with their children at home and will, therefore, have to be more reflective about their parenting choices." To assume that all men need to be motivated into taking responsibility for primary care whereupon they will become good at it, is, in many cases, a misrepresentation and certainly should not be the *main* assumption behind parental policy design. This sort of perspective on fatherhood fails to appreciate that many men find themselves constrained by national policy, the nature of their contractual employment, and, indeed, the culture of their employing institutions, communities, and society. This is not to suggest that some men do not have negative views about becoming a primary carer or about gender equality more generally. But we can know as little about the various and conflicted preferences of men from their take-up rates of parental leave as we can know about women's lifestyle preferences from their wage packets (see, for example, Browne 2006). Inferences of these kinds recall rational-choice-based understandings of preferences (see, for example, Becker 1991; Hakim 2007) and can lead to circular and unhelpful reasoning.

Rather than focus debate at the individual level by asking fathers to reflect on their "choices" or presume to know their attitudes and preferences, I argue that we should give much more consideration to how those choices — how the potential for relational fatherhood — are not simply economically constrained, but also structurally and

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institutionally constrained.[12] Decision making is seldom, if ever, the product of a simple calculus of costs and benefits to the individual. Rather, it is the complex outcome of a host of social, cultural, and political structures in which we are embedded. Gheaus and Robeyns seem to underappreciate the structural nature of hierarchical employment pressures to which individuals often find themselves subject.[13]

A further consideration is that Gheaus and Robeyns' model would seem to lose something of the very clear successes of use-it-or-lose-it fathers' quotas demonstrated by the empirical work of Haas and Rostgaard (2011). In addition to changing the premise on which the default policy would be based, an even more effective model might be a combination of the use-it-or-lose-it fathers' (coparent) quotas for a relatively short period (e.g., ten weeks as in Norway) *and* the default policy model for the remaining leave, which would be split equally between parents, as a statutory right, with an opt-out clause. This combination, through an insistence on some nontransferable leave, would strengthen the norm for fathers to have the opportunity to become and experience being primary carers but at the same time, through the establishment of an additional default period of equally split leave, fundamentally challenge the myriad structural factors that, even in the most progressive Nordic countries, consistently result in unfavorable equality outcomes.

PRIMARY-CARER FATHERHOOD AND STRUCTURAL CONSTRAINTS

In calling for a greater engagement with the structural level, there are a number of factors regarding structural constraints associated with modern parenting that are overlooked by approaches focused on the individual.[14] First, there are the cultural norms and, in particular, specific

12. It is also a limitation of the Gheaus and Robeyns' default model that the issue of nonnuclear families beyond the single-parented family is not considered. Many gay male couples wish to procure the services of a surrogate, for example. But surrogacy in Norway, Iceland, and Sweden is a criminal offense. In the UK, where altruistic surrogacy is permitted, the intended parents are not entitled to any paid leave. In a similar vein, divorced fathers are not automatically entitled to paid leave. Their entitlement can be usurped by the new partner of the mother and cannot be shared between two fathers. These examples serve to illustrate the structural constraints on the relational interpretation of fatherhood, irrespective of technical characteristics. One solution is to open up the leave provision (after opting out of the default described above) to multiple designated carers to be agreed upon by the gestational mother. This is the topic of future research.

13. Gheaus and Robeyns (2011, 187) make only a passing reference to employers.

14. Here I am particularly influenced by Young's (2011) conception of structural injustice.

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interpretations of fatherhood embedded in political approaches, institutional practices, and social structures, all of which greatly constrain relational fatherhood. This is not in any way to suggest that these factors should be tolerated or ignored, but merely that they must first be understood if they are to be overcome in the struggle for genuine equality. Second, although these conceptions of fatherhood are unconsciously shaped and naturalized by the routinized actions of numerous individuals and institutions — indeed, resulting not necessarily from design but as unintended consequences — they are nonetheless the results of human actions and are, therefore, alterable social constructs. It is imperative, if we are to affect substantive change, that we do not fall into the trap of thinking of these constraints as natural, fixed, or insurmountable, for to do so is to turn a blind eye to structures in our society that serve as a very real source of constraint and injustice (Young 2011).

Taking a much more structural approach to these issues helps us move beyond a narrow conception based on essentialist assumptions and/or individual preferences to a broad understanding of the manifold relationships among individuals, institutions, and society. If we think of how policy might facilitate relational fatherhood through a structural approach, then the focus shifts away from the need to encourage fathers to take up parenting roles and moves to the ways in which people experience considerable obstacles that result from the actions of others through institutional traditions, practices, and norms.

In order to illustrate these points in a particular context, I now turn to some extracts of interviews I recently conducted with corporate leaders. An important point to be made here is that the sorts of constraints and injustices that come about as a product of market and cultural structures are not the sort captured by antidiscrimination laws. It is not necessarily the case that any individual, or even corporation, has acted inappropriately or broken a law and, therefore, cannot be identified as acting illegally. Rather, many individual and institutional practices *combined* generate unintended constraints and injustices that can only be challenged effectively through policy coordinated at the macro level by government.

The Corporate Father

As part of a project focused on twenty-first-century workers, I was recently given the rare opportunity to interview a number of heads of some of

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Britain's largest employing corporations (many of them global institutions) on the topic of their own working lives and their opinions on present and future corporate working conditions. One of the topics discussed in these interviews was that of working parents in the corporate culture. These discussions proved very helpful for thinking about relational fatherhood and the demands of modern-day working.

The method of elite interviews (Aberbach and Rockman 2002, Clark 1998; Harvey 2010; Moyser and Wagstaffe 1987) is, in many ways, counter to conventional qualitative research in that sample selection is focused on persuading a particular individual to participate rather than targeting of groups or random samples. With such an approach, the researcher attempts to capture a specific person's view rather than glean a representative overview of the attitudes of a given population. Typically, elite interviewees, whether heads of state, celebrities, or business leaders, are notoriously difficult to access. I was fortunate in that ten heads (chairmen and CEOs) of some of Britain's most influential companies with very large numbers of employees, agreed to speak with me.[15]

To date, little research has been conducted at the most senior levels of corporations on the topic of this article. Methodologically, elite interviewing is of particular value regarding corporate structures, which are, by definition, hierarchical. Of course, this is not to say that attitudes at the top necessarily filter all the way down. But it does suggest that an important part of analysis will be at the highest level within those hierarchies, and a crucial element of policy design must reflect how the hierarchical structure replicates and reinforces views of corporate leaders. The head of one of the world's biggest financial services companies, employing more than 140,000 people worldwide, explains: "One thing that has never ceased to amaze me is the crucial difference that the identity of the top person makes. … When the guard changes, everything changes — it is quite extraordinary how everything percolates down from the leadership of that individual."[16]

15. Even when elite interviewees communicate with researchers, they are often unwilling to be interviewed face to face without questions submitted ahead of time. Here, as Moyser and Wagstaffe's (1987) work suggests, it is imperative that there is a sense of trust in the researcher's credentials, previous work, and contacts through which communication was originally arranged. Certainly in these interviews, which were not prepared but were (all but one) face-to-face interviews using semistructured questions, the promise of anonymity was key. While I have indicated the sorts of companies each of these men lead, I have been careful not to disclose any information that might identify the individuals. Interviews were conducted in person in London and Cambridge or by telephone in 2011 and 2012. I have used data from seven of the ten interviews most relevant to this article.

16. Corporation revenue of approximately £30 billion; interview October 2011.

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The first relevant topic of discussion was that of a state-administered well-paid parental leave policy along the lines of the revised default model described above. I presented this model as having the potential to enable twenty-first-century families to cope with the ever-increasing time poverty associated with the demands of modern labor market employment. In particular, I stressed the potential such a policy would have for fathers to facilitate their social function as primary carers of their children and the likely consequences for greater equality between men and women. The quotes below illustrate two common responses. The first was shared by nearly all the respondents who thought that women were more likely to be primary carers. Often when I spoke of parents, respondents answered with specific references to women:[17]

> I think it's fine for your person who is going to just make his way in life . . . but I have to say that if you want to get to the top and really have ambition, one of you is going to have to do it and be selfish . . . You ask me if the men can drop out to look after children . . . but I think the DNA of how it all works that the more natural person, dare I say, is the woman for dropping out, fairly or unfairly. . . I'm afraid the "Corporate Father" doesn't do that much fathering.[18]

The second theme was more focused on a sense that such a policy might impede a worker's contributions to the organization's competitiveness. The head of a global financial services corporation responded thus:

> I'm not recoiling against the idea as an outrageous idea. I'm just not sure what the unintended consequences are. It's a merciless law, the "twenty-first-century Law of Unintended Consequences." So many things are done for a good purpose, but then the system gapes. . . . It is jolly difficult. If you operate in a competitive market and someone is out there who is prepared to do "it" and you're not prepared to do "it," they have the marginal advantage.[19]

During my discussions with these institutional leaders, the "Corporate Father" emerged as a standardized global male worker. He was not from any particular country, nor of any particular nationality. As one director of a global private equity trust explained, "The talent pool is international — the larger corporations can afford to employ the best

17. All respondents were fathers themselves and, with the exception of one, described their own lives as either "traditional," whereby their wives had been primarily responsible for their children. A typical working day for several of these corporate leaders would start at 7 A.M., finish at 7 P.M., and would often be followed by an evening event or dinner.

18. Head of global manufacturing corporation employing over 35,000 people across the world, with an annual turnover of £10,000 million; interview January 2012.

19. See Note 16.

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people from all over the world."[20] If serious about his position in the organization or sector, the "Corporate Father" would not contemplate taking a substantial period of leave to adopt a primary-carer role. "It would never be explicitly said, but the salary is presumed to offset any inconveniences to family life — no one would ever take six months' parental leave — end of story," explained the head of a publishing company and a board member of an international media conglomerate.[21]

Here, we can think back to the European Court of Justice's implication that the mother needs to be protected in law from "undesirable pressures to return to work prematurely" after childbirth but that this does not apply to the father (Case C-366/99 *Griesmar* [2001] ECR I-9383, paragraph 43). It is, of course, also the case that many jobs do not offer as high a salary as corporate employment, but even without this sort of compensation, the assumption remains that a substantial period of parental leave for fathers is inappropriate.

As fathers, themselves, all interviewees were sympathetic to the difficulties of younger generations of workers who attempt corporate working in conjunction with family life. When I asked what advice they would give the younger generation coming up behind them in the business, the following quotes demonstrate a recurring theme of "time poverty."

> The pressure on family life is immense. What would I wish for the next generation? A lifestyle which was more balanced. (Head of a global publishing corporation)[22]

> Take more time to reflect on what's really important to you — that is my biggest regret. (Head of an international media group)[23]

Finally, I discussed how the state's legislative framing was perhaps the only way in which some of the drives of the market might be tempered in the interests of social relationships such as fatherhood:

> Well, I certainly don't think the private sector will play a major part. [Perhaps] funds for specific charitable endeavors, for example, training unemployed youth, but, no — companies are not going to pay for that sort of thing [enhanced parental leave]. It wouldn't fit with the philanthropic [Corporate Social Responsibility] projects. More structural things are the

20. Trust asset management of over £16 billion; interview August 2011.
21. Corporation employing over 35,000 people worldwide with revenue of almost £600 million; interview April 2012.
22. Business with revenue of over £1 billion; interview June 2011.
23. Business with revenue of over £750 million; interview July 2011.

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> Government's area — it would make a lot of difference. (Head of global manufacturing corporation)[24]

> If the state doesn't demand it, then the corporate sector won't do it unless they see a market advantage. Social policies only ever come in from the state — once they *are* in, things start to change slowly. (Head of publishing company and board member of an international media conglomerate)[25]

What these comments make very plain is that it is unrealistic to expect any substantive change to emerge spontaneously from the corporate sector itself. The dominant imperatives of market competition and the pursuit of the marginal advantage, coupled with the fear of "unintended consequences" and a version of accountability that extends only so far as maximizing shareholder value, are not a promising basis from which to generate a macro perspective on the well-being of citizens and families. Only under exceptional circumstances — when progressive family-friendly policies are themselves a form of marginal advantage — might one see a voluntary move on the part of corporations. But for the majority, the nature of those relationships between and within corporate institutions will tend to reinforce and exacerbate the structural constraints that have been the subject of this article. It is, therefore — and as these two last quotes suggest — the role of the state (or a collective international body such as the EU) to ensure a reasonable balance between familial and labor relationships.

As a mechanism for achieving this, a reinterpretation of Gheaus and Robeyns' "default model" has considerable appeal. Not only does it provide much greater independence for families to make their *own* decisions about their working and care arrangements, but it also crucially alters the relationship between the employee and employing institution. By setting a default whereby fathers are expected to take equal amounts of paid primary-carer leave as mothers (with a use-it-or-lose-it quota followed by an opt-out clause), this approach fundamentally shifts the power dynamics between individual and institution and enables the government to achieve substantive gender equality objectives. This would contrast dramatically with existing policy whereby the individual employee is always required to negotiate with the employer for anything exceeding the current statutory minimum leave. The default approach does not mean that families would be

24. See Note 18.
25. See Note 21.

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disempowered to make complex arrangements regarding their preferred leave patterns (including arrangements where the father will take only a short period of leave or none at all). Rather, it ensures that the starting position (the default) that would likely become a cultural norm is strongly oriented toward relational fatherhood and greater freedom of choice for both men and women.

CONCLUSIONS

In this article, I argue that a relational interpretation of fatherhood is crucial for good policy design. The nature of this relationship may take many forms and is codependent on the other relationships (within families, communities, employing institutions, and governments) that make up daily life. In contrast, current Western liberal policies tend to define fatherhood in terms of rigid categories (biological or legal) that serve to strengthen unhelpful perceptions of essential sex differences.

Perhaps unsurprisingly, the Nordic states, propelled by a very strong commitment to greater gender equality, have come closest to designing policies that not only provide the option for fathers to be primary carers in the early stages of a child's life, but also set cultural norms within which people and institutions orient their priorities. The policy provisions found in Iceland, Sweden, and Norway escape the charge leveled at other countries (such as the UK) that state provision is too inadequate financially to enable families to make genuine choices. Moreover, the evidence is abundantly clear that use-it-or-lose-it fathers' quotas increase the take-up rates of fathers who then, by virtue of becoming primary carers, contribute to greater gender equality. And yet, despite the high levels of paid leave on offer beyond the use-it-or-lose-it quota period in Nordic states, fathers regularly take substantially shorter periods of leave than mothers overall. I suggest that critics who have represented these sorts of low take-up rates of fathers as evidence of revealed preferences fail to take into account the full institutional and cultural context in which these fathers' decisions are made and do not give sufficient weight to the constraints that institutions may place upon them as individuals. Indeed, such criticisms recall — somewhat ironically — feminist critiques of rational choice and preference theories (Browne 2006).

While there are merits in keeping some period of the use-it-or-lose-it father quotas so as to strengthen the opportunity for men to become and

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experience being a primary carer, to extend this nontransferable model to the full extent of leave for both parents (as Gornick and Meyers' Gender Equalizing model does) is too prescriptive and inflexible. I argue that a revised version of the Gheaus and Robeyns' default parental leave model is a productive way forward. In addition to reorienting its aims from the individual to the structural, I suggest that a better model would be to combine the use-it-or-lose-it fathers' (or coparent) quota followed by an extensive period equally split between parents (with an opt-out element). Such a proposal reflects the structural nature of gender politics and has real potential for changing institutional norms.

As shown by the statements of a number of corporate leaders, such a policy is unlikely to emerge spontaneously from corporations themselves and could only be effectively administered at the macro level. While a state like Norway, with a longstanding and serious commitment to gender equality, might well be attracted to a version of the default parental policy model presented here, it is unlikely that the UK, under its current administration at least, would be similarly inclined. Indeed, Prime Minister David Cameron has called for a renegotiation of the UK's membership of the EU precisely because his party wishes to see legal powers relating to, for example, employment conditions and gender equality (including maternity and parental leave) repatriated to Westminster.[26] Cameron's objective would seem to be to take back greater powers to deregulate in the UK in order to reduce what he and his party see as obstacles to private-sector competitiveness.

One of the major reasons for having collective minimum standards across the EU is to ensure that economic competition among member states will not be based on low employment standards and will not override the ideals of gender equality. But the imperatives of economic competition and the structural nature of the constraints on relational parenthood are two sides of the same coin in a state like the UK, where political discourse has become ever more corporate. In calling for a revised version of the Gheaus and Robeyns default model, I argue for greater state-based intervention to address the power dynamics that constrain relational fatherhood and, with it, twenty-first-century gender equality. As one previous head of a European Conservative political party and now corporate leader told me, "Look, this goes against my

26. As indicated, for example, by David Cameron's "EU speech at Bloomberg" on January 23, 2013. See http://www.number10.gov.uk/news/eu-speech-at-bloomberg/ (accessed March 21, 2013).

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politics, but it's true that if you really want something to happen — *legislate*."[27]

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27. Global business services corporation with revenue of approximately £405 million; interview January 2011.

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