

## **Fatherhood and Labour**

Panel co-organized by Alice Margaria (University of Zurich) and Camille Bajoux (University of Geneva)

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### **Fathers and mothers or just parents? On de-gendering parental status**

Gendered expectations of mothers and fathers have been an important source of injustice. E.g., parents who are identified as mothers are expected to perform more care work than parents identified as fathers. Furthermore, it is not clear what the normative basis for collectively imposed gendered parental roles could be, and this has led to proposals to de-gender parental status in law and society. My contribution assesses this proposal from a normative-philosophical perspective. I argue that the state should not impose a gendered parental status on those who do not want it, but that there could be 'identity interests' for some parents to identify as mothers or fathers, and that we also continue to need the concepts of mothers and fathers to be able to perceive injustices that currently go along with them. The emphasis should be on expanding individual choice regarding identification (or lack thereof) with a gendered parental status, as well as the roles that go along with it. I.e., it should be up to individuals whether they want to be mothers, fathers or simply parents, and having a gendered parental status should not go along with collectively imposed gendered expectations. Similar to reforms that allow people not to officially identify as either men or women, a third option of 'parent' could be introduced into the law without getting rid of the options of 'mother' or 'father'.

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### **Seahorse Dads and Birth Registration: Challenging Conventional (Legal) Fatherhood**

Following the gradual abolition of sterilisation requirements and advances in reproductive medicine, trans people have increasing chances to become biological parents. The legal recognition of their parental role, however, is far from being a straightforward matter. Most legal frameworks in Europe (and beyond) continue indeed to treat gestation and legal motherhood as a continuum, to the detriment of birthing parents who do not identify as mothers. With few exceptions, a trans man who gives birth to his child (ie seahorse dad) is therefore registered as 'mother' on the child's birth certificate, in spite of being legally man. This presentation will emphasise the transformative potential of cases brought by seahorse dads before European courts. In particular, it will be argued that, by giving birth and requesting to be recognised as fathers, trans men are active agents in challenging a 'conventional' understanding of fatherhood and, more importantly, in making care a central characteristic of legal fatherhood. Looking at recent court decisions on trans parenthood, it will be concluded that this transformative potential has gone largely unused. Discrimination against trans

people is therefore merely 'delayed' to the stage birth registration, which has become a new site for law to impose gendered, cis- and hetero-normative ideas around parenting.

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### **La cause des pères : Les pères divorcés et séparés en Suisse (1970-2000)**

L'antiféminisme, défini comme un contre-mouvement s'opposant à l'émancipation des femmes et prônant une société hétéronormée basée sur une hiérarchie de genre, s'exprime en Suisse principalement dans les mouvements contre les droits politiques des femmes jusqu'en 1971, puis à travers les mouvements contre l'avortement et les groupes favorables à la défense de la famille patriarcale après 1971.

Ce projet de thèse se focalise plus spécifiquement sur les mouvements des pères divorcés et séparés à partir des années 1970 jusqu'aux années 2000. Le but de la recherche est d'étudier la problématique du masculinisme, mouvement social conservateur déplorant la perte des privilèges des hommes à cause des avancées féministes, à travers les groupes des pères divorcés et séparés en Suisse. Apparus très tôt en comparaison internationale (1976), ces groupes s'inscrivent dans un contexte de changement de la législation familiale tendant à rééquilibrer les droits et devoirs des parents. Cette recherche permettra de découvrir l'aspect historique des mouvements masculinistes en Suisse, thématique encore très peu travaillée par l'historiographie. Il s'agit donc d'une importante possibilité de combler cette lacune.

Le but de la présentation est donc celui d'exposer mon travail préliminaire et les données récoltées pendant ces premiers mois de recherche. Comment typologiser les groupes de pères divorcés, qui ne relèvent pas tous du masculinisme ? Dans quel contexte apparaissent-ils, quels sont leurs arguments et méthodes d'action ? Enfin, comment évaluer leur impact dans la politique et dans la société ?

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