REDEFINING SOCIAL DESIRABILITY: POLICIES FOR ALTERNATIVE FAMILIES IN EUROPE AND IN ROMANIA

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Abstract: The crisis in family policies of the welfare state is not only caused by economic and demographic factors but also because these policies have not been adjusted to the changing values and lifestyles of the population. The welfare state has as its main target group a stable, legally constituted nuclear family with a male breadwinner in the context of a heterosexual marriage. However, the welfare state is not yet prepared for alternative families, such as: dual-career families, multi-generational families, single-parent families, cohabitations, homosexual couples, blended families, trans-national families, etc. This paper draws on a research project rather than on completed research. We intend to review more potential explanations for analysing the recent reforms of policies for alternative families but our focus is on the role of paradigm shifts at national and supranational (EU) levels, with a mini-case study on Romania. The recent paradigm shift is the result of a permanent and mutual adjustment between political mobilisations, governments and public opinion. The EU approach regarding alternative families originated in the family policies of its member states, but afterwards it became autonomous and began to influence domestic family policies, as was the case in Romania. The methods we intend to use in order to answer our research objectives and hypotheses are based mainly on secondary analyses: documentary analysis, discourse analysis, and analysis of databases of opinion polls.

Keywords: family policy, alternative families, paradigm shift, European Union, harmonization.

1. Introduction – paradigms and policy change

Many studies about family policies are interested in a 'technical' perspective, such as assessing budgets, instruments, institutional machineries and impact. Another approach is constructivism, which studies the complex interactions between stakeholders. Our perspective is different: we want to clarify the role that latent paradigms play in changing family policy. Our assumption is that family policies do not necessarily change in order to improve their technical aspects or as a result of interactions between stakeholders, but rather change as a result of paradigm shifts.

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The word paradigm has a long history and many meanings: pattern, example, common representation, model, *Weltanschauung*, matrix, referential etc. Thomas Kuhn (1970) has used this word to study the evolution of science. In anthropology, Victor Turner (1977: 61-80) invented the *root paradigm* as a key-concept in explaining social change. More recently, Peter Hall (1993: 275-296) re-launched this word as a tool for analysing the ideas underlying public policy processes. Our understanding is different: we use paradigm to mean the synthesis of latent values and operational goals of a policy. In our view, discovering the paradigm is very useful in understanding the real issues of a particular policy, and in identifying its silences regarding the marginalization and invisibility of certain social groups and topics.

Paradigms are not immovable. They change because of endogenous and exogenous factors, economic crises, social conflicts, cultural shifts, new social expectations, zeitgeists and intellectual fashions. For instance, the influence of economic, financial and demographic factors on welfare state crises is undeniable, but many studies underestimate the role that values and lifestyle changes play. The welfare state has as its main target group a stable, heterosexual, legally constituted nuclear family with a male breadwinner. However, the welfare state is not yet prepared for alternative family models, such as: dual-career families, single-parent families, cohabitations, homosexual couples, blended families, trans-national families, etc. Therefore, welfare state reform needed a new paradigm in order to cope with the new trends in family evolution.

Our research questions:

– What are the main presuppositions – latent and manifest, pragmatic and ideological – that found different family policies?

– How these presuppositions influenced by policies regarding alternative families, especially at the European Union (EU) level?

– How has accession to the EU changed Romania's approach regarding alternative families?

Our hypotheses:

– Family policies in Europe changed their paradigms from social control to a more humane and anti-oppressive approach

– This paradigm shift encouraged a more favourable approach towards alternative families as a result of permanent and mutual adjustments between political mobilizations, governments and public opinion

– The EU approach regarding alternative families combined different policies of its member states, but it became eventually autonomous, influencing domestic family policies, as was the case in Romania.

The methods we intend to use in order to answer our research objectives and hypotheses are based mainly on secondary analyses: documentary analysis, discourse analysis, content analysis, analysis of statistical data and opinion polls.

2. Why are governments concerned about implementing family policies?

We can summarize some possible, partially overlapping explanations:

– To control families and their behaviour and impose a desirable model family: social control.

– To ensure economic development: utilitarianism.

– Because governments were forced by social movements: political mobilization.

– To legitimize the political regime: legitimation.

– Because governments value human rights: humanism (anti-oppression).

– Combinations of the above.

Social control: A very important issue for the family policies – even if indirectly – is controlling demographic behaviours, especially fertility, in order to achieve military, ideological or economic goals. Family policies are the result of a long historical formation of the modern state and of dramatic ruptures from traditional society. Governments needed to control 'pathological' manifestations accompanying these ruptures. Therefore, family policies promote stability of families and their capacity to care and provide for their members. The paradigm of social control is based on social and political pragmatisms: rights, benefits and social services are delivered in exchange for respect for the normative order and social peace. The paradigm of control is characterised by the stick and carrot: a passive social protection and a restrictive family law, which punishes any deviance. Foucault's theory of normalization (1976: 137) is essential in understanding why governments are interested in imposing certain family behaviours in controlling privacy, the human body, eroticism, fertility and sexuality. Those who do not behave in a desirable manner are considered abnormal and treated accordingly.

Utilitarianism: Family policies are justified because the family is a reservoir of human resources and investing in human capital is productive. This perspective is illustrated by the works of Esping-Andersen (2002: 1-24; 26-67) and Giddens (2006: 378-388), for example. According to these two authors, governments must invest in active social policies and be considerate of productive target groups: women, youth, and children.

Political mobilisation: Target groups become aware of existing inequalities and they begin to organize themselves in social movements - trade unions, political parties, associations - putting pressure on governments (Cameron, 1974: 138-171). It is only because of these movements and interest groups that governments begin to grant rights and benefits to families.

Humanism: The modern states – except totalitarian ones, of course - experienced a slow evolution towards humanism, compassion and empathy. Family policies begin to value human rights as an end in itself. Families - and especially the marginalised and disadvantaged ones - have the right to have free access to social services, to receive

various benefits, and to be respected and protected without any other ulterior motive. The humanistic perspective is consonant with an existing trend in the 'bourgeois' public sphere. Habermas (1991: 48-56) explains modern humanism by the effort of the bourgeoisie to legitimize their rights by transferring the concept of human rights to the whole of humanity.

New family policies no longer speak of beneficiaries but of customers who have rights, who can choose, who can decide what is best for them and who are involved in the design and implementation of family policies (Croft and Beresford, 1998: 111). Instead of homogenisation and equalisation around a desirable model, there is diversity, equal opportunities, and affirmative action. The humanist paradigm is, at the same time, anti-oppressive, that is to say:

> '*This approach is concerned with resisting forms of social and cultural oppression and developing a transformative politics. The precondition for human emancipation is seen to be the recovery of the voices of the oppressed.*' (O'Brien and Penna: 55)

The anti-oppressive paradigm is in opposition to the classical welfare state. The most important values of the anti-oppressive paradigm are anti-discrimination and empowerment. These new operational objectives and instruments are complemented by a new vocabulary: social integration is replaced by inclusion, equality by equal opportunities, protection by participation, beneficiaries by customers and non-discrimination by affirmative action.

3. Latent paradigms and the desirable family model of the welfare state

The dominant paradigm of the welfare state is, in our opinion, social control, not only because of its anti-liberal roots but also because it conceives social solidarity as a trade-off between governments and people (Esping-Andersen, 1989: 10-14). The welfare state wants to shape family behaviour by using social protection as a means of social control. This is the government that decides - instead of people themselves - what is best for them: i.e., people should marry and have children to become eligible for family allowances and tax cuts. Certain behaviours are encouraged and others discouraged. Thus, the family policies of the welfare state invade the private sphere and try to impose a desirable family model. This model is the nuclear-conjugal family, formed by a monogamous, heterosexual, and officially married couple (consisting of a housewife and a male breadwinner) and their children born after the marriage. This model is eligible for most social programmes and desirable because it is more stable and, therefore, more controllable. Women are forced to stay married because they are economically dependent, and in this way fertility is better served, for the strength and greatness of the nation. This type of family better serves the political control of the body, sexuality and motherhood. Without the support of the extended family, the nuclear family is more dependent on state support and is therefore more disciplined. It can be used more easily as an agency of socialisation and transmission of the dominant political culture.

The result of this policy, centred on this family model, is the exclusion, marginalisation and invisibility of other family models, for which there are no specific social policies. Instead, alternative family structures are seen as social and personal failures and as threats against the 'fragile' desirable model, which hence needs to be protected. This typical attitude is clearly recognized by one of the welfare state's fathers, Beveridge, who considered illegitimacy as synonymous with immorality (Weeks, 1981: 235).

4. Emerging alternative families

We have already operationalized what is the desirable family model of the classical welfare state. An inventory of alternative families will always be incomplete: multi-generational families, single parent families, dual-career families, polygamous families, cohabitations, homosexual couples, adoptive families, blended families, transnational families, single, childless couples, communes, serial monogamy.

The complexity of factors that changed the structure, function and size of the family has been extensively studied and described, from various perspectives, even (Bumpass, 1990: 483-498; Roussel, 1992: 149). These factors can be classified into two major categories: exogenous (structural factors of the macro-social context) and endogenous (characteristics of family members and family background factors). For the first category we can mention the increase in the average level of education and employment of women, promoting their autonomy of decision. This progress is, however, counteracted by new social risks: precarious employment, single parenthood, and difficulties in reconciling career and family life. For the second category we can refer to the theory of rational choice: the traditional family model is no longer the optimal solution for personal life because people locate their fulfilment outside of the family. Axiological and attitudinal changes are very important as well. Survival (physical or symbolic) no longer depends on the family group, and people are able to build their own social identity by themselves. These mutations are objectified by demographic phenomena: declining birth, fertility and marriage rates, increased divorce rates and high numbers of children that are born out of wedlock, the growing rate of celibacy and cohabitations (Eurostat, 2013). The frequency and visibility of alternative family models were favoured by changes in current public opinion, toward tolerance and acceptance of atypical sexual behaviours and greater sexual freedom (European Social Survey, 2010).

All these developments have contributed to the erosion of the ideal type of family favoured by the classical welfare state. Paradoxically, this type became statistically marginal but is still politically dominant, in a latent manner at least, as shown by the analysis of official discourse and analysis of budgets. Cohabitations and dual-career couples have become the majority and family policies have finally followed these changes, in most European countries:

> 'Only the Mediterranean countries, Luxembourg and Ireland still have a relatively high share of one breadwinner households (over 50%). The share is the lowest in Sweden, Denmark, Portugal, Belgium and the UK (under 30%)... In the Netherlands, the UK and Germany, the dominant norm is a household in which the husband is working fulltime and the wife part time' (Letablier, Luci, Math and Thévenon, 2009: 100).

5. Interplay between the EU and its member states on family policies

The EU is not a supranational welfare state and its social dimension is not just a translation of national social policies to the European level. There is interaction and mutual and permanent adjustment between the EU and its member states. This interaction is visible during the slow process of changing social paradigms. At the beginning of European integration, the continental social model[1] - based on social control - of the founding states was dominant. Gradually, successive enlargements and institutional maturation of the EU contributed to the creation of a specific and autonomous social vision in relation to its national social paradigms, though stillinspired by them. Once established, this view has had a rather strong influence on the social policies of the member states, especially in the political vocabulary, principles and legislative harmonization. Still, the national contexts are too different in order to implement a real convergence:

> '…*although domestic actors have participated in the processes stemming from the soft* acquis*, and have in many cases adopted the corresponding EU discourse, they have often not translated this into domestic policy changes. Such national responses are possible because of the very nature of the hard and soft social acquis as well as of the absence of effective monitoring and sanctioning mechanisms. Accordingly, national actors may be in a position to seriously limit the impact of the social* acquis *in their domestic context*' (Keune, 2008, p.17).

The EU approach regarding families has changed a lot since the Treaty of Rome (1957), which contains more or less implicit references to women, gender equality - especially at the workplace, protection of children, and protection of immigrant families. This approach seems to be influenced by the continental corporatist model of the founding states, as demonstrated by the keywords in the document: industrial relations, social partners, social dialogue, employment security, equality between women and men (Treaty of Rome, 1957). Successive enlargements have caused major changes in the European paradigm, adding utilitarian (after the accession of the United Kingdom) and anti-oppressive dimensions (after the Nordic enlargement: Denmark, Finland, and Sweden). This paradigm shift is visible in the reformist documents: The Green Paper (1993) and The White Paper (1994).

The regional social model most open towards the needs of alternative families is the Nordic one, based on a humanist and anti-oppressive paradigm. The axiological foundation of social Europe has been greatly influenced by the Nordic model. In fact, the EU represents a kind of vehicle spreading the social values of the Nordic model at the European level. Gradually, the existence and rights of alternative families came to be recognized in the European social *acquis* (Table 1).

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[1] The regional social models in Europe are: Continental, Anglo-Saxon, Nordic (Scandinavian), Eastern, and Mediterranean (see also Hemerijck, 2002: 173-217).

Table 1: An European synthesis?

National level	Supranational level (documents; examples)	Keywords	Target families
Founding states : social control	Corporatism, passive approach [Rome Treaty, certain directives before1990 : Equal pay (75/117/EEC) ; Equal treatment (76/207/EEC; 79/7/EEC); Equal treatment in occupational social security schemes (86/378/EEC); Equal treatment of self-employed workers (86/613/EEC)]	Support, protection, integration, social security, solidarity, equality, equal treatment, assistance	'Classic' family Working mothers
Anglo-Saxon model: utilitarianism (economic dimension subordinates the social one)	Women's labour; training; flexibility [Directive Maternal Leave (92/85/EEC) Organisation of working time (93/104/EC) Framework Agreement on part-time work (97/81/EC) European Employment Strategy (1997)]	Human capital, human resources, investing in people, long-life learning, activation, flexibility	Dual-career families Single parent families Adoptive families
Nordic model : anti-oppressive policies	Individualisation ; anti- discrimination [Directives parental leave (96/34/EC, 2006/54/EC, 2010/18/EU); Burden of proof in cases of discrimination based on sex (97/80/EC); Non-discrimination (2000/43/EC, 2000/78/EC); Equal opportunities strategy for 2010-2014; Action Plan Implementing the Stockholm Programme COM(2010) 171; EU policy framework to fight violence against women (2010/2209(INI)); Common criteria concerning minimum guarantee of resources; Free movement (EU) 492/2011, Directive 2004/38/EC]	Inclusion, rights, human dignity, freedom, person, equal opportunities, participation, diversity	Singles, Heterosexual and homosexual cohabitations Single parents Transnational families Blended families

Source: http://eur-lex.europa.eu, accessed 20 April 2013.

One can find a very prominent expression of utilitarianism in the work of Esping-Andersen: 'A recast family policy and, in particular, one which is powerfully child-oriented, must be regarded as social investment' (Esping-Andersen, 2002: 40). The same author observed changes in family patterns induced by the employment of women: 'All this mirrors heightened individual freedom of choice, but also insecurity and risk' (Esping-Andersen, 2002: 13). One of the flaws of the utilitarian paradigm is the difficulty in employing all family members because many of them cannot work, being too sick, too old, too little trained…

Discourse analysis of the essential documents for the European approach on family (directives, strategies, green and white papers ...) shows the increasing contribution of the Nordic model in configuring the supranational European paradigm: adaptable arrangements, flexicurity, equal opportunities, social inclusion, and participation. The main objectives of anti-oppressive family policies are no longer procreation and child care, but the social inclusion of alternative families. The 'classic' family policies were oppressive, that is to say, they promoted a socially desirable family model and sanctioned alternative families, defining their needs abusively. On the contrary, anti-oppressive policies consider identity as a key-issue for the definition of needs. Public authorities must respond to the real needs of target groups, each of them with their specific identities. The risk of this paradigm is the fragmentation and weakening of the nation, divided into groups and factions, and, consequently, the fragmentation of social solidarity. Another risk is the difficulty for these target groups, which usually have a disadvantaged status, to become capable of self-definition of their needs. The anti-oppressive family policy gives legitimacy and support to alternative families and for new lifestyles, allowing the 'marginal' to become the real target of family policy.

In conclusion, the EU vision on family policy is a chronological synthesis of the family policies of its member states, but it eventually became autonomous and influential through various documents, directives, strategies, a open method of coordination, etc... A critical evaluation of the role of the EU in family matters detects, in our view, favourable and less favourable aspects for alternative families. For example, we have identified in many European documents the growing contribution of the humanist and anti-oppressive paradigm: eliminating the monopoly of marriage; neutrality regarding gender, sexual orientation and marital status; incentives to work for women and single parents; inclusion of single-parent families. However, the desirability of the family with children persists: for example, social protection of the family is defined as 'support in cash or in kind related to the costs of pregnancy, childbirth and adoption, care and education of children' (Mutual Information System on Social Protection, 2010: 6-9).

6. Spectrum of policies for alternative families

It is difficult to say whether policies shape actual developments in families or if they recognize the existing developments, such as divorce, single parenthood or cohabitation. The new family policies do not consider a desirable family model but give equal opportunities to all, with even more attention paid to marginal families. Living as a couple or as a family is a choice like any other, and one lifestyle among many others. Compared to the early welfare states, social solidarity is no longer seen as the main solution to address social risks; in the presentthe emphasis is put on individual responsibility and individual effort to cope with new challenges.

Family policies in the member states of the EU share - roughly speaking - the main principles of the European paradigm, defending a pluralistic concept of the family as the basis of an emerging legislation for alternative families (McGlynn, 2006). But even if there were to be a legislative harmonization, family policies are very diverse, ranging from an explicit prohibition of certain family models, to ignorance, tolerance or tacit acceptance and, further, to their social inclusion based on the recognition of their

specific needs and identities (Table 2). The most frequent bans refer to homosexual cohabitation (and gay marriage) and polygamy (or polyandry). The paradigm shift in family policy is, usually, a gradual process, through interaction between different social and political actors, political parties, non-governmental organizations, mass media and public opinion. Slowly, the paradigm of social control loses its importance and alternative families become more and more appreciated from economic, political and cultural points of view.

For instance, single parent families have more consistent support from public policies: higher child allowances, various social services, better access to housing. Thus, we can speak of a kind of positive discrimination for these families.

Regarding dual-career families, there is a development of policies of reconciliation between work and family responsibilities of working parents. These policies are based on different paradigms: utilitarianism (using the female labour force), humanist (supporting the autonomy and rights of women, reducing the 'double burden'), and social control (controlling demographic behaviour). Some studies show the influence of political ideologies in the design of reconciliation policies: right-wing governments emphasize the role of parental leave and the function of women as caregivers, while left-wing governments develop flexible work arrangements and social services, in order to support the working parent's rapid return to the labour market (Morgan and Zippel, 2003: 49-85).

Another trend is the consideration of the rights granted to samesex couples. Often, the first manifestation of favourability to alternative families is the mechanical extension of welfare policies, social rights and services, which were initially designed for the 'classic' family model (e.g. succession, property, social security, health, adoption, protection against domestic violence, child care). However, this extension hides abusive definitions of the needs of alternative families and neglects their specific needs. Thus, they are forced to normalize, in order to be accepted as a 'legitimate' target for family policies. For example, a 'normal' gay couple must be relatively stable, monogamous, loving, just nearly having a 'normal' household. In our opinion, this simple extension perhaps meets the principle of equality, but it does not meet the aspirations of those who choose alternative family models in order to escape the social control exercised by secular or religious authorities. This extension of rights and benefits recognizes implicitly the relationship between rights and freedoms as a zero-sum game: if one wants equal rights then he must accept restrictions on freedom - andconversely- more freedom means fewer rights.

The spread of the anti-oppressive paradigm provides specific family policies in customized policies instead of ready-made policies. Should we abandon collective rights in exchange for individually negotiated rights and obligations? In our opinion it is perfectly possible to ensure equal access to rights and benefits for all family models and to all people, by diversifying social services and by guarantying free choice. This finding raises questions regarding the future and the necessity of family policies: if the individual becomes the target of social policies and the traditional family an obsolete model, then family policies represent an action without object. Although there are public interventions directed to individuals, groups and communities, these

interventions also need to consider individual autonomy; therefore, references to the family are no longer needed. These trends have been observed for quite a long time and crystallized in the concepts of defamilialisation and individualisation (Hantrais, 2004: 199). Individuals become (through the development of services) free of their family obligations.

Table 2: Spectrum of policies for alternative families

Same sex couples	Cohabitations	Dual- career families	Single-parent families	Immigrants/ Transnational families
- Non-discrimination - Acceptance into the mainstream: visibility, respect, representation, status - Civil partnership - Marriage - Adoption of children - Various social services and benefits (...)	- Rejecting pejorative terms (illegitimacy, cohabitation) from the public and legal language - Equal rights for children born out of wedlock - Right to succession - Alimony - Allowances - Protection against domestic violence - Registration	- Child Care Services - Nursery Schools - Various parental leaves - Free choice allowance - Part-time employment - Conciliation policies focused on parents of young children - Lack of instruments to achieve a more equal distribution of family responsibilities between men and women, especially for the care of elderly or other dependent persons	- Positive discrimination - Larger, diversified, and consistent family benefits - Social assistance, social services - Tax deductions and exemptions - Incentives for divorced or separated parents for maintaining relationships with their children	- Right of residence - Non-discrimination and equal treatment at the workplace - Equal pay - Access to housing - Child allowances - Social benefits for inactive persons - Education and scholarships for children - Social Minima - Reduction of expenses for travel

Source: personal analysis of Council of Europe Family Policy Database, 2009.

7. Policies for alternative families in Romania

Our assumption regarding the development of these policies in Romania is the slow evolution from the paradigm of social control to a utilitarian one, with some anti-oppressive accents. However, this evolution is not the result of endogenous factors of Romanian society, but rather of exogenous ones, such as EU influence during Romania's accession and integration.

Transposing the social acquis into Romanian legislation, devising new institutions for implementing family policies, the action plans, national strategies and programmes – all

of these things contributed to significant changes in family policy paradigms in Romania. Absorption of structural funds contributed as well.

EU pressure modified even the language (the jargon) used by formal documents when referring to family. Vocabulary and the general tone are timidly approaching those of European documents, using words such as: equal opportunities, social inclusion, diversity, reconciliation etc. But behind these beautiful words, deep down Romania remains committed to the traditional family. That family model was promoted by the propaganda of the Ceausescu regime and supported by today's most important social institutions and influential opinion leaders. Public opinion is generally hostile to alternative families. This is demonstrated by several opinion polls. The Romanian public is greatly influenced by the Orthodox Church, which enjoys great respect in Romanian society (Bădescu, Kivu, Popescu, Rughiniş, Sandu and Voicu, 2007: 57-62). The persistence of the traditional family and the low development of alternative families are demonstrated by statistical data. For example, these data indicate a large majority of married people and a low frequency of cohabitations (Graph 1). Studies about cohabitation in Romania (Ghebrea, 2000; Popescu, 2009) reported a polarization of this behaviour: it is more frequent in extreme segments of society, either high social statuses (students or intellectuals living in cities) or low social statuses (disadvantaged, even marginal persons). In Romania, cohabitation is not the result of a process of emancipation from tradition, or empowerment of the individual in relation to the family group, but rather the result of poverty and exclusion. Therefore, it is recurrent among the Roma minority, among people who do not have a defined job, and among those living in rural areas.

Graph 1: Marital statuses of Romania's adult population
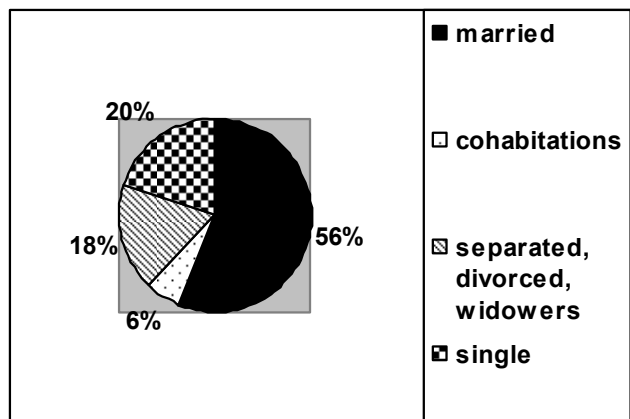
Source: Bădescu *et al.,* 2007, p.12

Homosexuality is a subject on which polls were silent. But this silence was torn by the 'Life in Couple' Barometer (2007). According to the survey, 9% of respondents acknowledged a sexual attraction to the same sex (Bădescu *et al.,* 2007: 63).

A study by the Ministry of Social Affairs (Ministerul Muncii, Familiei şi Protecţiei Sociale, 2009a: 8) estimates the proportion of single-parent families to be 26% of families with children and the same proportion (26%) of children born out of wedlock, of all children. In 83% of cases, the single parent is the mother.

The number of intergenerational families is diminishing but they still account for 7% of Romanian households (Pescaru-Urse and Popescu, 2009: 10). On the contrary, the number of transnational families is rising. Many children live in Romania separated from their parents because those parents are working abroad. (Soros Foundation Romania, 2007). Usually, it is the task of the grandparents to take care of these children

Regarding dual-career families, the employment rate for women has decreased significantly after the fall of the communist regime, down to 52% (Pescaru-Urse and Popescu, 2009: 34). The distribution of domestic responsibilities between women and men remains inequitable. Social services are underdeveloped; household activities and care for dependent persons are supplied only by family members in the case for 2/3 of the population between 25 and 45 years of age. (Pescaru-Urse and Popescu, 2009: 35-38).

In conclusion, alternative families are a minority in Romania. Yet the anti-oppressive paradigm of family policy calls for equal opportunities for all, for the right to diversity and freedom of choice in family behaviour. We are now trying to analyze and evaluate the presence of this paradigm in family policies in Romania. Recently, Romania has repealed the former communist Family Code, which dated from 1953, and transposed the references to the family to the new Civil Code (Law 287/2009, Book II). Analysis of the respective texts easily demonstrates the persistence of a paradigm of social control and of paternalism, which reduces the family to a passive entity to be 'protected' and 'supported' by the state. Thus, the family is strictly defined and identified as being in the context of a monogamous heterosexual marriage (Art.258). The state supports and protects explicitly only a family model founded on marriage between spouses, spouses being a man and woman united in marriage; and marriage being a voluntary union according to legal conditions. The text of Article 258 of the new Code is almost identical to that of the Family Code of 1953, in which 'the state protects marriage, family, mother and child' (Article 1).

The tone of the text of the new Code is not only condescending but also punitive, containing a long list of prohibitions: the adoption of children is banned for the same-sex couples (Art.261), bigamy is prohibited (Art.273), marriage between relatives is prohibited (Art. 274), the marriage of the mentally impaired is prohibited, the same sex marriage is prohibited (Art. 276), marriages between persons of the same sex concluded abroad are not recognized in Romania, civil partnerships contracted between persons of the opposite sex or the same sex are not recognized in Romania, and so on. Therefore, the Code provides for the discrimination against LGBT persons. Homosexuality was recently decriminalized in Romania, but civil partnership, marriage and adoption are prohibited for LGBT persons. Spouses are obliged to live together

(chapter V, 2) so, transnational families and other families that temporarily separate the spouses do not have legal status. Cohabitations are not recognized and they are discriminated against compared to married couples. However, children born out of wedlock have the same rights as children of born of a marriage (art. 260).

There is in Romania a powerful opposition to alternative families, which are considered as a threat to the family institution and to the future of the nation. Parliament, even women parliamentarians, church, public opinion, media - everyone is against the codification of cohabitations. Nicolae Pãun, a deputy of the Roma minority in the Romanian Parliament proposed in 2002 a bill on 'concubinage' (which is a deprecatory term) that recognizes equal rights between married couples and common-law unions after ten years of cohabitation, or provided they are recorded in a special register. This bill was ignored and postponed without term by the Romanian Parliament. The new Civil Code uses a subterfuge in order to recognize cohabitations: the formalisation of engagement, as a test marriage (Art. 266-270). The Code does not provide for mutual obligations between the two fiancés, or common ownership or a common surname. Property rights are regulated by the legal framework for the condominium.

The policies of the Romanian state towards dual-career families - see especially the Labour Code (Law 53/2003, republished in 2011) and The Law of Equal Opportunities between Women and Men (Law 202/2002) - are marked by a utilitarian paradigm, but the effort of harmonization with the EU acquis has some anti-oppressive accents as well. For instance, a major innovation within the policies of reconciliation between family and career has been gender neutrality of parental leave, even if there are only few fathers who profit: in average 17-20%, and the proportion is higher - 30% - in rural areas (Ministerul Muncii, Familiei şi Protecţiei Sociale, 2009b, p.4). In contrast, the reduction of working time is allowed only for mothers. The empirical result of parental leave in Romania is the consolidation of the unequal distribution of family responsibilities and of the traditional role of women. All public debates brought to this subject are focused on mothers; fathers are completely absent from the public sphere. The mass-media speak only about allowances for mothers, although the law also provides for the right of fathers. The president Traian Băsescu in 2010 (during a protest by mothers against the government's decision to reduce the duration and the amount of money for parental leaves) spoke that Romania had become 'a nation of mums and babies' (Băsescu, 2010).

Overall, the approach of reconciliation policies is rather passive: instead of developing social services and incentives for working mothers, the state has focused on parental leaves. Their duration was increased to two years (even three years in certain conditions), revealing demographic and traditionalist goals. On the contrary, some studies (Pescaru-Urse and Popescu, 2009: 38-41) showed:

— Insufficient incentives to return to work (only 7% for mothers of young children use such incentives)

— Inadequate development of social services (childcare and other services for dependent persons and for the household in general: only 3% of children in the age group 0-3 years are in a nursery)

- Lack of flexibility at the workplace (only 9% of respondents take advantage of part-time or flexible hours)

- A period (between 2 and 3 years of the child) where there is no parental leave or opportunity to attend the nursery (which is for children older than three years only).

In conclusion, active reconciliation policies are quite uncommon in Romania, and the public and labourunions are not interested in this subject, which is not even set in collective agreements (Teşiu, 2008: 130-136).

Single-parent families receive more consistent family benefits, additional allowances and support (Ministerul Muncii, Familiei şi Protecţiei Sociale, 2009a).

Social and psychological support services for transnational families have been implemented in recent years, especially at the local level (Pescaru-Urse and Popescu, 2009: 57).

7. Conclusions

The evolution of the family and of family policies in Europe went through significant changes during the last half-century. Still, this trend is not the same in all European countries. The Nordic countries,–in which the political mobilization of vulnerable groups (women, minorities) occurred earlier, experienced a more favourable evolution of policies for alternative families, while other social models are more indifferent and even hostile. Although, apparently, the treatment of family models is quite similar in different countries, sometimes this similarity conceals different paradigms that drive and justify these respective treatments (e.g., both the utilitarian paradigm in the United Kingdom and the humanist paradigm in Sweden promote women's employment). In fact, family policies of within country (and even at the EU level) are not consistent: there are usually several paradigms that coexist and determine the use of a variety of legal provisions, benefits and services for alternative families.

The EU approach towards alternative families is quite autonomous from national developments; however, it reflects the influence of successive enlargements (and, especially, the enlargement to the North). The chronologically observed trend in European documents is the shift from the paradigm of social control in favour of a less oppressive paradigm, based on equality of rights and respect for human dignity. The EU has become the vehicle for the spread of this paradigm among all European countries. Although the EU is more open to alternative family models, it remains attached to the model of the family with children, which is at the centre of its policy of social protection.

The landscape of family models in Europe shows the end of the statistical dominance of the traditional family of the welfare state. New family models are classicized, for example, dual-career families, cohabitations, single-parent families. Despite the persistence of certain taboos (gay marriage in most countries, the right of adoption of children by homosexual couples, polygamy/polyandry everywhere) society was able to build a more flexible concept of social desirability. Family policies are trying to become

more open to the needs of people, regardless of the family arrangement chosen by them. The recent legislative amendment in France, a traditionally pro-natalist country, that recognizes same-sex marriage is an example of this process.

In Romania, alternative families are statistically a minority. Public opinion is generally hostile. However, accession to the EU and transposition of its social acquis into Romanian legislation created a new, more tolerant political vocabulary of official documents. Devising new institutions for implementing the equality acquis, action plans, national strategies and programmes contributed to significant changes in family policy paradigms in Romania, from social control to certain anti-oppressive accents. Still, this trend was insufficient to change the general tone of the new Civil Code, which remains punitive and prohibitive, even if other strategic documents call for equal opportunities for all, for the right to diversity, and for freedom of choice in family behaviour. Homosexuality was recently decriminalized in Romania, but civil partnership, marriage and adoption remain prohibited for LGBT persons. Regarding other alternative families, there is a powerful opposition against the codification of cohabitations. The main instrument for reconciliation of family and work is parental leave. Even if fathers with young children have the right to use this instrument, it remains a mothers' attribute. Therefore, this revolutionary, gender-neutral instrument in fact consolidates, in fact, women's traditional role as caretakers. Overall, the approach of reconciliation policies is rather passive, lacking effective incentives for returning to work. The number of transnational families is growing but there are insufficient social programmes for them. Single-parent families receive more consistent family benefits but there are not enough other social programmes for their social inclusion, such as legal and psychological counselling, day-care centres, social clubs and after-school programmes.

Bibliography

Bădescu, G., Kivu, M., Popescu, R., Rughiniş, C., Sandu, D., &Voicu, O. (2007). *Barometrul de opinie publica. Viata in cuplu.* Bucuresti: Soros Foundation Romania.

Bumpass, L., 1990, What's Happening to the Family? Interaction between Demographic and Institutional Change, *Demography*, 27(4), 483-498

Cameron, D.R. (1974), Toward a Theory of Political Mobilization, *The Journal of Politics*, 36 (1), 138-171.

Croft, S., &Beresford, P. (1998). Postmodernity and the future of welfare. Whose critiques, whose social policy?. in J. Carter (ed.), *Postmodernity and the fragmentation of the welfare.* London: Routledge.

Esping-Andersen, G. (1989). The three political economies of the welfare state. *Canadian Review of Sociology and Anthropology*, vol.26-2.

Esping-Andersen, G. (ed.) (2002). *Why we need a new welfare state.* Oxford: Oxford University Press

Foucault, M. (1976). *La volonté de savoir, histoire de la sexualité*, tome I. Paris: Gallimard

Ghebrea, G. (2000). *Regim social-politic şi viată privată.* Bucureşti: Editura Universităţii din Bucureşti.

Giddens, A. (2006). Positive Welfare. in C. Pierson, F.G. Castles (eds.), *The Welfare State Reader.* Cambridge: Polity Press

Habermas, J. (1991). *The Structural Transformation of the Public Sphere. An Inquiry into a Category of Bourgeois Society.* Boston MIT: Press.

Hall, P.A. (1993). Policy Paradigms, Social Learning, and the State : The Case of Economic Policymaking in Britain. *Comparative Politics*, Vol. 25(3), 275-296.

Hantrais, L. (2004). *Family Policy Matters: Responding to Family Change in Europe.* Bristol Policy Press.

Hemerijck, A. (2002). The Self-Transformation of the European Social Model(s)'. in G. Esping-Andersen (ed.). *Why we need a new welfare state.* Oxford: Oxford University Press.

Keune, M. (2008). *EU enlargement and social standards: exporting the European Social Model?.* Brussels: European Trade Union Institute for Research, Education and Health and Safety (ETUI-REHS).

Kuhn, T.S. (1970). *The Structure of Scientific Revolution.* Chicago: The University of Chicago Press

Letablier, M.-T., A. Luci, A. Math, &O. Thévenon (2009). *The costs of raising children and the effectiveness of policies to support parenthood in European countries: a Literature Review. A report to the European Commission.* Brussels: European Communities.

McGlynn, C. (2006). *Families and the European Union. Law, Politics and Pluralism.* Cambridge: Cambridge University Press

Morgan, K. J., Zippel, K. (2003). Paid to Care: the Origins and Effects of Care Leave Policies in Western Europe. *Social Politics: International Studies in Gender, State and Society*, Volume 10(1), 49-85.

O'Brien, M., S. Penna (1998). Oppositional postmodern theory and welfare analysis: anti-oppressive practice in a postmodern frame. in J. Carter (ed.), *Postmodernity and the fragmentation of the welfare.* London: Routledge.

Pescaru-Urse, D., Popescu, R. (coord.) (2009). *Politici familiale si de gen in Romania.* Buzau: Alpha MDN.

Popescu, R. (2009). *Introducere în sociologia familiei. Familia Românească în societatea contemporană.* Iași: Editura Polirom.

Roussel, L. (1992). La famille en Europe occidentale**.** *Population, 1*, 133-152.

Teşiu, R. (2008). Romania. in De Boer, N. (ed.), *Legal Approaches to Some Aspects of the Reconciliation of Work, Private and Family Life in Thirty European Countries.* Brussels: European network of legal experts in the field of gender equality, European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities.

Turner, V. (1977). Process, System and Symbol: A New Anthropological Synthesis. *Daedalus*, I, 61-80

Weeks, J. (1981). *Sex, Politics and Society: The Regulation of Sexuality since 1800.* London: Longman.

****Băsescu: România a devenit o țară de mamicuțe și bebeluși*, 2010, at http://stirileprotv.ro/stiri/politic/basescu-solutia-privind-indemnizatia-si-concediul-pentru-mame-este-buna.html, accessed 25 April 2013.

****Council of Europe Family Policy Database*, 2009, at www.coe.int/familypolicy/database, accessed 15 May 2013.

****Effects of Migration: Children left Home*, Soros Foundation Romania, 2007, at http://www.soros.ro/en/comunicate_detaliu.php?comunicat=54, accessed 10 April 2013.

****European Social Policy - A Way Forward for the Union - A White Paper*, COM (94) 333, July 1994, at http://ec.europa.eu/atoz_en.htm, accessed 10 May 2013.

****European social survey*, 2010, at http://ess.nsd.uib.no/, accessed 15 April 2013.

***Eurostat, 2013, at http://epp.eurostat.ec.europa.eu/portal/page/portal/population, accessed 20 April 2013.

****Green Paper - European Social Policy - Options for the Union*, COM (93) 551, November 1993, at http://ec.europa.eu/atoz_en.htm, accessed 10 May 2013.

***Ministerul Muncii, Familiei și Protecției Sociale, 2009a, *Studiu de impact asupra masurilor promovate prin OUG 105/2003 privind alocatia familiala complementara si alocatia de sustinere pentru familia monoparentala* Bucuresti.

***Ministerul Muncii, Familiei și Protecției Sociale, 2009b, *Studiu de impact asupra măsurilor promovate of OUG 148/2005 privind susținerea familiei în vederea creșterii copilului*, Bucuresti.

****Mutual Information System on Social Protection*, 2010, European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities Unit E.4: Brussels.

****The Treaty of Rome*, 1957, at ec.europa.eu/economy_finance/emu_history/.../treaties/rometreaty2.pdf*, accessed 20 May, 2013.