Moral Attitudes towards Shared Parenting among

Separated Parents - Akiva Quinn

Monash University, Schools of Philosophy and Bioethics,

Political and Social Inquiry – Akiva.Quinn@arts.monash.edu.au
Moral Attitudes towards Shared Parenting among Separated Parents - ABSTRACT

Disputes over post-separation parenting arrangements often seem intractable and deeply affect those involved, as they reflect strong personal views on how parents should care for their children after separation. These disputes impact on the well-being, relationships and interests of the children, fathers and mothers, so understanding the nature of these disagreements is crucial. This study conducted in-depth interviews with separated parents to explore their moral attitudes towards shared parenting, where parents spend similar amounts of time with their children after separation. The study participants had post-separation parenting arrangements including shared care, ‘major/minor’ care where children live mostly with one parent, and split care where different children live with each parent. The interviews examined participants’ moral attitudes towards shared parenting by probing which types of parenting arrangements they regarded as fairest and why. This paper analyses the reasons provided by participants for supporting different parenting arrangements; evaluating the role of consequences, for children or parents, and appeals to children’s and parental rights in separated parents’ moral justifications. This study shows that separated parents recognize the importance of consequences and rights in their moral reasoning about parenting decisions, so socio-legal parenting disputes should consider both rights and consequences for all parties.

**Keywords:** shared parenting, shared care, post-separation parenting, family dispute resolution, family law, parental rights
Introduction

Parental disputes over living arrangements for their children after marital separation or divorce are often long-running and seem intractable, deeply affecting those involved, as they reflect strong personal views on how fathers and mothers should care for their children after separation. Understanding the nature of these disagreements and their moral dimensions is crucial as these disputes impact on the well-being, relationships and interests of the children and both parents. The reasons or moral justifications offered by separated parents to support different post-separation parenting arrangements reveal why disagreements may arise over these arrangements and also suggest how these disputes might be resolved or mediated.

This paper reports findings from in-depth interviews with separated parents about their moral attitudes towards shared parenting, or shared care, where children spend approximately equal time living with each parent after separation or divorce. Shared parenting, in contrast to fortnightly weekend parenting, involves each parent having “real chunks of time engaged” with their children “for a flexible 35-50 percent or more of their available time” (Burrett and Green, 2006: viii, original emphasis). Shared care is defined as “care of a child by each parent for at least 35 per cent of the time” (Commonwealth of Australia, 2005: 17) in various legal contexts.

The moral attitudes of separated parents towards shared parenting were explored by probing their views on which types of parenting arrangements
they regarded as fairest and why. The study participants had a range of post-separation parenting arrangements, including shared care, ‘major/minor’ care where the children live mostly with one parent, and split care where different children live with each parent. This paper analyses the reasons provided by participants for supporting different parenting arrangements to evaluate the role of consequences, for children or parents, and appeals to children’s and parental rights in separated parents’ moral justifications.

The moral justifications for particular attitudes towards shared parenting are significant, because social and legal decisions about living arrangements for children after separation or divorce are often contested, while socio-legal norms or precedents continue to evolve. In Australia over 1 million or 22% of children aged 0-17 live in separated families, and the proportion of these children with shared care arrangements increased from about 3% in 1997 to around 6% in 2003 and 7% in 2007 (ABS, 2004, 2008). Following reforms in July 2006, the Family Law Act in Australia seeks to facilitate but has no legislative presumption in favour of shared parenting (Parkinson, 2007).

**Research Methods**

The empirical component of this study consists of in-depth interviews with twelve separated parents, six mothers and six fathers, to explore their moral attitudes towards shared parenting. Participants are from a large Australian city, mostly tertiary educated, between 30 and 50 years old with one or more children under 18 and at least partially in their care in the past five years. This qualitative research design explores how a sample of separated parents
views different post-separation parenting arrangements and how they evaluate the fairness of shared parenting in particular. Interview questions encouraged participants to give their reasons for supporting or opposing shared parenting as the fairest post-separation parenting arrangement. While the sample of separated parents interviewed is not representative of the general population, it includes men and women with different parenting arrangements, reached via informal negotiations, mediation, family lawyers, or the courts, and provides a range of attitudinal data on shared parenting.

The analytic component of this study uses the qualitative data collected from interviews to examine the reasons or moral justifications offered in support of different parenting arrangements including shared parenting. This research draws on methods from applied ethics, which considers issues in private or public life that involve moral judgment, and grounded theory, which seeks to generate theory from research findings (Bryman, 2004: 266), to inductively review the moral concepts derived from empirical data. The reasons offered by participants in support of various positions are analysed as invoking concepts, expressly or implicitly, in two major ethical theories.1

These ethical theories are consequentialism, which regards the best possible outcomes for the greatest number as morally optimal, and rights-based theories which insist that moral choices must be consistent with protecting the interests of individuals. The basic moral concern for consequentialism is the value or goodness of the outcomes while rights theories view protection
of individuals’ interests as the fundamental moral issue (Copp, 2006: 19-21). Rights theorists consider consequences to be part of moral judgements, but not the only factor of moral relevance as consequentialists claim, given that rights have independent moral value that does not derive from consequences.

Consequentialists argue that responsibilities apply to everyone, as society must seek the best possible outcomes – such as maximising child welfare – while rights theorists assign some responsibilities to society, like protecting children from harm, and others to individuals – parents are responsible for looking after their children. These theories represent two of the dominant approaches to moral issues and offer an interpretative lens for themes or concepts raised by interview participants. This research evaluates attitudes expressed by separated parents towards shared parenting or other post-separation parenting arrangements as moral justifications in light of the appeal to consequences and to individual rights in these two ethical theories.

The key questions in this research are what differences exist in the moral attitudes of separated parents towards shared parenting, and why these often very substantial differences in moral or practical judgments arise. Drawing on concepts from moral theory helps to understand and explain why moral convictions may conflict starkly on topics like shared parenting. This approach can also suggest ways to move beyond entrenched disputes or the “dull thud of conflicting intuitions” to consider which moral justifications can be regarded as stronger or more persuasive in particular circumstances.
Attitudes towards Shared Parenting

The in-depth interviews conducted with separated fathers and mothers reveal two significant trends in their moral attitudes. First, most of the separated parents interviewed for this study expressed support for shared parenting as the fairest post-separation parenting arrangements in the absence of issues like violence, abuse or neglect. These parents regarded shared parenting as fairest considering the rights of children to maintain their relationships with both parents, the importance of close parent-child ties for parents and children, and the parental equality that shared care offers.

Separated mothers and fathers – referred to below using pseudonyms – described what they saw as the benefits of shared parenting arrangements to children, parents and the whole separated family:

They [the children] get to spend quality time with both parents, a decent stretch of time and that’s what’s important (Rose)

But I do think, unless there is some overwhelming circumstance like violence or something, that a child should have as much contact as possible with both parents (Olivia)

Having all this close contact with my children has enriched my life immeasurably in ways I could not have predicted earlier. I think it is a privilege to know them so deeply, to be so intimately involved with every aspect of their life (David)
The second key theme is that fathers or non-residential parents (where children live mostly with the other parent), on the one hand, were generally more likely than mothers or residential parents, to support or more strongly endorse shared parenting as the fairest arrangement. Some separated mothers claimed the right to be the sole or full-time carer for the children, while some separated fathers willingly relinquished the right to share care for the children:

I am actually sacrificing my right to have the kids full-time by giving them to John [my ex] [on the weekends] (Sara)

I like the idea of having the kids one weekend and not having the kids the next weekend, because then I can do the things I want to do (Alan)

I would still have a problem [with shared parenting] you know, because I would want them more with me I think, but I guess I would get used to it (Tessa)

In contrast to the above views supporting a “traditional perspective” where mothers have the main parenting role, most separated parents interviewed for this study advocated an “equality perspective” as they believe that mothers and fathers are equally capable of parenting and should thus share the responsibilities of caring for their children:

I mean, what time do you have to impart all your knowledge, nothing, forty-eight hours is not enough - forty-eight hours in a fortnight is not enough (Greg)
Once you have that obligation to care for your child, and to help him to grow up and to become a good person, so you have to exercise that right to be there (Carl)

Okay, so in terms of being objective if they are going to get to know each parent and grow up with each parent then it’s [parenting time] got to be fairly equal (Rose)

The finding in this study that fathers and non-residential parents were more likely to support shared parenting as the fairest post-separation parenting arrangement replicates research results by Smyth and Weston (2004). The application of ethical ideas informs our understanding of these differences, and this is only possible where moral attitudes are elicited as in this study.

**Moral Justifications for Shared Parenting**

This research explores the interests, rights and needs of children and parents, and examines three distinct moral arguments supporting shared parenting when this is consistent with the children’s welfare needs. First, children have welfare rights which protect their needs to be looked after while they remain developmentally, emotionally, or financially dependent. The rights of children to be cared for creates a corresponding obligation for parents to look after their children, and this obligation gives rise to parents’ rights to guide their children’s development (Kant, 1991: 280-1). Shared care allows both parents to fulfil their obligations. Meeting the needs of children and being fair to children are among the reasons that some separated parents offer in support of shared parenting as the preferred arrangement:
I think a goodly slab of time used efficiently and effectively and productively and appropriately ... is the best way of maintaining a strong relationship with your children and for the children to grow into psychologically healthy adults, emotionally stable adults, which is probably my overriding consideration (David)

So the primary reason [for shared parenting] is to be fair for your child ... the child gets [the] best of two worlds ... both parents agreed to support [their] child so both parents are agreeable to provide, so to their maximum ability (Carl)

Second, parents have critical interests in pursuing caring relationships with their children, because the parent-child relationship is central to the identity of both parent and child. Parental interests are subject to the welfare needs of children. When both parents are willing and able to meet these needs, shared parenting gives each the opportunity to fulfil their roles as parents:

There are three people in the equation of parenthood, and all of their needs should be considered ... and if you say we are just going to consider the child’s needs then you can destroy the parents’ lives (Olivia)

I feel that if I hadn’t done that [shared parenting] I would not be fulfilling my responsibility adequately ... being a father is a big part of my identity, being a good father is important to me ... it is important to me to be a good parent (David)
Finally, children benefit from close ongoing relationships with both parents, based on empirical research comparing shared parenting and sole parenting arrangements (Bauserman, 2002) and on father involvement (Kelly, 2006). Also, parents fare better in terms of mental health and avoiding self-harm when they are engaged with their children on a regular basis (Cantor and Slater, 1995). Better outcomes for children and families support a moral case for shared parenting:

She [my ex] is happier, I am happier, and the kids have a tremendous amount of flexibility that if they want to spend time with either parent they can (Brett)

I think he enjoys being with them … he does a lot more than he probably would if he was still married to me, because he had no choice (Tessa)

The moral attitudes expressed by separated parents towards shared parenting lend support to three distinct arguments for parents’ rights and duties to look after their children. Parents have the duty to care and provide for their children so this gives rise to a parent’s right to make choices for their children and look after their interests. Second, parents have the right to decide what sort of child they wish to raise so considering the critical interests and identity of both parents and children supports a parent’s right to care for their children. Finally, the benefits to children and the whole separated family also justify both parents’ right to maintain close and meaningful relationships with their children after separation or divorce.
There is contrasting evidence on shared parenting outcomes in different contexts, for instance children’s welfare measures may vary depending on issues of parental conflict or whether parenting arrangements are agreed between parents or decided by the courts (Gilmore, 2006). Mixed data from social research shows the importance of understanding the moral attitudes that underlie social practices in the area of post-separation parenting. Where social research relies only on measurable outcomes or consequences, this can be at the cost of fully accounting for moral attitudes, what people think is right or wrong, fair or unfair, in particular circumstances.

**Social Policy Implications**

The experiences of separated parents and their moral attitudes towards shared parenting provide valuable insights to inform social policy or legal decision-making about post-separation parenting. Education emerged as a major theme: parents who regarded shared parenting as fairest in most or many circumstances acknowledged that fathers and mothers are often not ready to accept equal parenting roles due to strong gender norms. Some of the separated parents proposed changes to social policy and family law in Australia to facilitate shared parenting:

- Shared parenting should be encouraged even if one parent is obstinate (Brett)

- Agreement is needed, via mediation if required, and parents should try to adapt (Paula)

- Both parents have equal importance in the lives of their children and … unless it can be proven otherwise, then my thoughts are always it is in the children’s
best interests to spend equal time with both parents … it should be the default position (Eric)

Public education is needed to encourage mothers and fathers to share the responsibilities of parenting for the benefit of their children and themselves. This would help overcome initial difficulties often experienced in adjusting to changes in parenting roles:

I found it very hard in the beginning, being away from them [the children] at all. Then I got to enjoy it [laughs] …in the beginning it was hard, because they were quite young (Tessa)

I am learning to adjust to it [my ‘week-off’], in terms of seeing friends, and going out, learning to do what I want to do rather than what the kids want to do (Rose)

I am a father who does not see making dinner and running baths and plaiting children’s hair as mother’s work, I see it as parenting (David)

**Conclusions**

The empirical study conducted for this research provides clear insights into the moral conflicts that lead to opposing views on post-separation parenting. In some cases the “dull thud of conflicting intuitions” is evident, where mothers or fathers are simply assumed to have certain rights or entitlements, such as the claim by Sara, quoted earlier, that she was “sacrificing” her right to have the kids full-time, in contrast to this view about father’s entitlements:
I respect that if you have got a father who is devoted to the kids and wants to be with them then they are entitled to that as much as the mother is (Rose)

The analysis of moral attitudes towards shared parenting in terms of the key concepts of consequences and rights from ethical theory helps to illuminate how conflicting moral positions can be resolved. This research shows that the attitudes expressed by separated parents about their own post-separation parenting arrangements and towards shared parenting as the fairest alternative have two distinct moral dimensions. The moral justifications offered by these separated parents appeal both to the best consequences for children, or the whole separated family, and to the rights of children and parents to have close parent-child relationships.

Interview participants raised individual duties or responsibilities to children, and parental rights to look after their children, along with outcomes for children and families in discussing their attitudes towards shared parenting. This moral reasoning implicitly invokes concepts from rights-based and consequentialist ethical theories, which belies the exclusive focus of many social scientific studies on consequences. Separated parents’ moral attitudes towards shared parenting suggest that weight should be given not only to outcomes but also to the rights of each family member to their relationships.

In closing, several of the separated parents in this study highlighted the importance of social changes in attitudes towards parenting. One remarked:
I think both men and women need to be re-educated that parenting is a responsibility jointly of both mother and father (David)

References


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3 This memorable phrase to describe situations where moral intuitions clash and progress ceases unless we appeal to appropriate theory was used by Bigelow, J. and R. Pargetter, (1987). ‘Functions’, *Journal of Philosophy* 84(4): 181-196.