

CHILD MAINTENANCE OBLIGATIONS IN MALTA
A QUALITATIVE STUDY OF FATHERS' PERCEPTIONS AND EXPERIENCES

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Abstract

Child maintenance obligation is an important social policy issue given the benefits of child maintenance for children's wellbeing as well as the role child maintenance plays in poverty reduction for payees and their children. This qualitative study sought to address the paucity of social science research on the issue in Malta – the home country of the author – by exploring the attitudes and behaviours of separated and divorced fathers in regard to child maintenance payment obligations. The study was underpinned by a critical realist relational perspective which incorporates a constructionist view of reality as being mediated by the interpretation of events experienced. Semi-structured interviews were held with 31 fathers who had undergone personal separation under Maltese law within the last 10 years. Transcripts were analysed using framework analysis which allowed for continuous comparison of themes for two groups of fathers, namely consenting and dissenting payers. Fathers' stances towards child maintenance payment obligations were shown to be influenced by perceptions of un/fairness relating to three overarching themes: appraisal of the justice system; appraisal of financial contexts; and views on parenting. These findings provided support, to varying degrees, for four main theoretical frameworks: the theory of negotiated commitments; theory on the symbolic meanings of child maintenance monies; equity theory; and social negotiation theory. The concluding chapter reviews the study outcomes in the light of the aims, reflects on the limitations and originality of the thesis, and provides recommendations for future research. Fathers' call for financial and parenting egalitarianism indicated a preference for new fatherhood ideals and for the re-evaluation of the role of financial provision, clashing with the gendered assumptions underpinning child maintenance obligations and raising important policy implications in regard to the complexity of challenges for policymakers to give primacy to both children and parents' needs post-separation.

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I dedicate this work to all children whose parents have separated.

Declaration

I declare that this thesis is a presentation of original work and I am the sole author. This work has not previously been presented for an award at this, or any other, University. All sources are acknowledged as References.

Material from this study has been presented at the following conferences:

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Introduction

The social policy issue of child maintenance¹ obligations is important given the benefits of child maintenance for parents' and children's wellbeing. Child maintenance was defined by Hakovirta (2011) as "a regular contribution from a non-resident parent towards the financial cost of raising a child, usually paid to the parent with whom the child lives most of the time" (p. 249). Child maintenance payment has been linked to many child development outcomes even after controlling for total income (Baughman 2014) including children's physical health (Baughman 2014), mental health (Cook et al. 2008), school functioning (Cook et al. 2008), educational attainment (Bernardi and Boertien 2017), conduct, and involvement in activities (Cook et al. 2008).

Children's wellbeing may be compromised by child maintenance nonpayment due to its association with other factors. Fathers' reticence to pay is linked to poor co-parenting relationships which may feature anger or hostility at mothers (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Natalier 2012, Casha 2014, Natalier and Hewitt 2014). Interparental conflict and hostility have been found to have deleterious effects on child adjustment (van Dijk et al. 2020). Such deleterious outcomes may also result from the link between interparental hostility and parental mental health (van Dijk et al. 2020). Parental mental health itself exerts an effect on child outcomes (Kamis 2021, Coles and Cage 2022).

Child maintenance payment also plays a vital role in social wellbeing by reducing poverty for payees and their children. Given the economic vulnerability of lone-parent families, keeping children in lone-parent families out of poverty and ensuring that their material needs are met have been social policy goals of many countries, including European Union [EU] countries (Beaumont and Mason 2014), Australia (Smyth et al. 2014, Skinner et al. 2017a), the United Kingdom [UK] (Skinner 2013, Skinner and Main 2013), and the United States [US] (Meyer 2012, Baughman 2014). Studies in various countries have found that child maintenance has a poverty-reduction effect (Meyer and Hu 1999; Hakovirta 2011; Skinner and Main 2013; Skinner et al. 2017a, 2017b), with the magnitude of this effect contingent on various social policy factors including whether

¹ In this thesis, the term 'child maintenance' will be used rather than 'child support' as it is the term used in the Laws of Malta.

child maintenance is treated as a complement to, or a substitute for, social benefit entitlements; as well as on compliance rates. In this regard a challenge for policymakers is to improve child maintenance compliance rates to help reduce poverty. 'Child maintenance compliance' is a variable which can be operationalized in a number of different ways, such as 'any regular payments', 'payment received in full during the previous month', or 'payment received in full and on time' (Smyth et al. 2014). However operationalized, child maintenance compliance tends to be problematic in many developed countries including those in the EU (Beaumont and Mason 2014), Australia (Cook et al. 2008, Smyth et al. 2014, Skinner et al. 2017a), the UK (Skinner 2013, Skinner and Main 2013) and the US (Meyer 2012). The same can be said of Malta – the author's home country in which this study was held – based on data reported in chapter 3 which engages in a detailed discussion on the sociocultural context in Malta and justifies the rationale for the study introduced below.

The Need for Evidence-informed Research on Child Maintenance Obligations in Malta

The basis of policymaking often lies in assumptions – whether explicit or implicit – about the roles of family members: in the case of separated families, parents are legally required to provide financial support to their children (Bryson et al. 2017). Legislation and other social policies related to child maintenance are often rooted in beliefs about moral obligations to children. This was challenged by Eekelaar (1991) who argued for social rules to provide justification for compelling separated parents to contribute to their children. It was also challenged by Bradshaw et al. (1999). The latter emphasized the need for policy to be rooted in evidence from social science research, which was a rationale underpinning their study. The moral grounds for legislation and social policies may drive policymakers to insist on automatic and universal compliance to policy. Weaver (2009) discussed how policymakers should not make assumptions that compliance with policy will be automatic and universal, nor assume that they know how the 'targets' of their policy will react to it. He placed emphasis on policymakers listening to and learning from, both what the targets of public policy say and what they do (Weaver 2009, 2015).

Active participation of the targets of a particular policy is key to the formulation and evaluation of better social policy including family policy, which was defined by Callan (2014) as “the subcategory of social policy that is particularly focused on supporting or strengthening the functions that families carry out” (p. 3). In a contemporary context, evidence-based policy calling for empirical research which increases our understanding of social phenomena has gained prominence (Newman 2017). Evidence-informed policy carries added significance for minority and marginalized social groups including separated parents. Weaver (2015) stated that it is especially important to listen to citizens who lack the political resources to ensure their voices are heard. Bryson et al. (2017) discussed the need for more robust and nuanced data on the experiences of separating and separated parents with dependent children given that the current evidence base is less strong for these family forms than it is for intact families. In particular, they highlighted the need for evidence relating to post-separation finances and child maintenance within a broader context of co-parenting following separation. The authors asserted that very few data are collected about the negotiation processes occurring in separated families including in the sphere of co-parenthood. The need for the collection of such data is strengthened by the arguments made by Weaver (2009, 2015) that the causes for noncompliance with policy and barriers to policy compliance need to be understood, and policy measures need to be matched to these causes and barriers. Weaver (2009) highlighted the need to understand ‘situational imperatives’, a term coined by Wilson (1989) and defined by Weaver (2009) as “conditions that overwhelm any other considerations in a target group’s decision on whether to comply with policy” (p. 8). In the area of child maintenance studies, the need to give fathers a voice and listen to their views, including on child maintenance compliance, was highlighted by Mandell (1995), Bradshaw et al. (1999), and Taylor (2004).

These concerns are even more pressing in the Maltese context in which, although the area of child maintenance policy has been explored from a legal perspective (Ellul 2002, Abela 2008) only one study has explored this topic from a social science perspective. This study, conducted by the author in 2014, focused on Maltese families in which fathers do not pay child maintenance and was based on interviews with four fathers, six mothers, and four lawyers. The small scale of the study is but one of its limitations, as will be discussed in chapter 5. As will be discussed in chapter 3, child maintenance compliance is a social policy issue in Malta, so the dearth of social science research on

child maintenance obligations provides strong justification for a qualitative study on the attitudes and behaviours of separated and divorced fathers in Malta towards child maintenance obligations and on issues they face in regard to child maintenance compliance. An overview of international qualitative literature on factors affecting compliance to child maintenance obligations is given below.

Overview of Qualitative Literature and Theory on Factors Affecting Child Maintenance Payment

Chapter 1 engages in a detailed discussion on both quantitative and qualitative literature in relation to factors affecting fathers' stances around child maintenance obligations. This being a qualitative thesis, the research questions were informed by findings from qualitative evidence, an overview of which is given in this section.

Perceived capacity to pay emerged as a factor shaping child maintenance compliance (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Hans and Coleman 2009, Natalier and Hewitt 2010, Natalier 2012, Casha 2014). As fathers navigated tensions between their needs and children's, they considered whether mothers are in a good/better financial situation (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Taylor 2004, Dudova 2006, Hans and Coleman 2009, Natalier and Hewitt 2010, Natalier 2012, Casha 2014), and – in the case of fathers having second families – whether to prioritize their first or second families (Burgoyne and Millar 1994, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Hans and Coleman 2009). Willing payers tended to prioritize both families whereas enforced payers or nonpayers prioritized their second family.

Studies have shown an important link between compliance and fathers' desired and actual level of access to children. Fathers who are dissatisfied with access levels can express reticence to pay child maintenance (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Dudova 2006, Moore 2012a, Natalier 2012, and Casha 2014). Increased access to children, however, has also been cited as a justification to oppose child maintenance obligations on the basis of more direct parenting costs borne by fathers (Taylor 2004, Hans and Coleman 2009).

Fathers' concerns around mothers using maintenance monies inappropriately also conspired to shape unfavourable attitudes towards child maintenance compliance (Burgoyne and Millar 1994; Mandell 1995; Bradshaw et al. 1999; Bloomer et al. 2002; Taylor 2004; Natalier and Hewitt 2010, 2014; Natalier 2012; Casha 2014). These concerns were at times implied in fathers' perceptions that the amount of child maintenance monies was too high. Although such concerns were also, to a lesser extent, expressed by payers (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Dudova 2006, Hans and Coleman 2009), studies showed that some payers held more realistic views of childcare costs (Dudova 2006, Hans and Coleman 2009) and/or refrained from challenging mothers' allocation of child maintenance monies (Taylor 2004; Hans and Coleman 2009; Natalier and Hewitt 2010, 2014).

Both levels of access and mothers' use of maintenance monies may be linked to the quality of fathers' relationship with mothers, which has itself been linked to child maintenance compliance. Payers generally reported collaborative co-parenting relationships (Bradshaw et al. 1999, Taylor 2004, Hans and Coleman 2009, Natalier 2012, Natalier and Hewitt 2014), whereas fathers reticent to pay tended to report poor co-parenting relationships (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Natalier 2012, Casha 2014, Natalier and Hewitt 2014). Such poor relationships featuring anger or hostility at mothers can underlie what Bradshaw et al. (1999) termed 'atrocious stories' – stories frequently linked to mothers' gateclosing and to perceived misuses of child maintenance monies, and which were intended to justify fathers' reticence to pay.

Fathers' stances towards child maintenance, however, are not only shaped by relational elements, but also by the fathering norms they espouse. Viewing child maintenance payment as something owed as a result of parental responsibility was linked to favourable stances towards compliance (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Dudova 2006, Hans and Coleman 2009, Natalier 2012). On the other hand, reticence was evidenced in the case of fathers who contested the provider role as fathers' foremost responsibility (Mandell 1995, Dudova 2006, Casha 2014) or insisted on mothers' responsibility to generate income and share financial provision (Bloomer et al. 2002, Taylor 2004, Dudova 2006, Casha 2014).

Fathers' beliefs about fathering norms are contextualized in chronosystemic changes. Breadwinning remains a strong element of fatherhood in contemporary society but co-exists with ideals of fathers' active involvement in caring for children: a key issue is how fathers navigate these potentially conflicting roles and whether they can reconcile them (Dudova 2006, Petts et al. 2018). Expectations of active fathering, together with the move towards egalitarian family life, can be used by fathers as a platform to mount a challenge to the legitimacy of the transfer of child maintenance monies. This was evident in the work of Cook and Skinner (2019, 2021).

Finally, fathers' stances around child maintenance obligations have also been shown to be influenced by their perceptions and experiences of legal professionals and entities, especially by experiences of judicial systems and administrative entities relating to child maintenance, which were negatively appraised in studies across the globe (Mandell 1995, Bradshaw et al. 1999, Taylor 2004, Natalier and Hewitt 2010, Natalier 2012, and Casha (2014). Loss of control and power over parenting arrangements was a dominant theme in these studies. Fathers viewed legal structures as biased in favour of mothers in regard to both child maintenance payment and access and visitation issues, and thus as poor trustees of their relationship with their children, leading them to question the legitimacy of child maintenance obligations. Noncompliance is therefore a tool for resistance and self-empowerment (Mandell 1995, Natalier 2012).

These findings have been interpreted in the light of four major theoretical frameworks discussed and critiqued in detail in chapter 2. The theory of negotiated commitments (Finch 1989, Finch and Mason 1993) elaborates on how fathers take decisions on 'the right thing to do' in regard to child maintenance obligations (Finch 1989) by considering important factors such as 'the timing for giving support', 'the target of the support', 'how well the parties get on', 'the pattern of past exchanges involving the parties', and 'the likely impact of support on the balance between dependence and independence in the person's family relationships'. These factors also relate to the principles of how fathers navigate two kinds of reciprocities (Bradshaw et. al 1999, Taylor 2004): balanced reciprocity, involving the expectation that mothers reciprocate support, typically seen in the exchange between child maintenance monies and access to children; and generalised reciprocity, which does not carry an expectation of an immediate return as it forms part of the pattern of inter-generational exchange within families (Finch and Mason 1993).

Theory on the symbolic meanings of money (Zelizer 1994, 1996) accounts for stances in relation to child maintenance obligations by interpreting whether fathers view such monies as entitlement, compensation, access guarantor, a token, or a symbol of their love. It also interprets reticence to transfer maintenance monies in a context of hegemonic masculinity (Burgoyne and Millar 1994; Dudova 2006; Natalier and Hewitt 2010, 2014; Moore 2012a, b; Natalier 2012; Casha 2014) in which fathers lose control over how money is spent, resulting in a threat to their masculine identity (Natalier and Hewitt 2010, 2014; Natalier 2012).

Equity theory (Walster et al. 1978) accounts for fathers' stances towards child maintenance in terms of how they assess rewards versus costs, and whether they perceive their relationships with mothers as equitable or not on the basis of this assessment. If fathers perceive inequities, they are described as 'underbenefited' and may either psychologically reframe the situation as being to their advantage; or take action to redress the balance, such as by not complying with child maintenance obligations or litigating for a decrease in such obligations or an increase in access. Fathers navigate decisions in a social context involving a mix of fairness rules, or norms, which are based on *proportionality*, that is, gains in proportion to input; *equality*, involving equal rewards regardless of contributions; or *needs*, indicating that personal needs determine what individuals get.

Finally, social negotiation theory (Pruitt and Carnevale 1993), whilst not outlining a process mechanism for how fathers construct their stances in relation to child maintenance, lists a broad array of factors it posits are influential in fathers' decisions. These include fathers' perceptions, cognitions, and motives including their post-separation parenting aspirations; their psychological frame of mind; their strategies and tactics; and their context, such as conditions at the beginning, resources available, relationship with ex-partner, prevalent social norms, the behaviour of third parties, and the time context. Social negotiation theory posits that motives during negotiations may be driven by concern for both self and others. Its emphasis on norms and on how third parties/social structures shape fathers' stances is a particular strength of the theory given findings relating to these two factors. The findings and theory discussed in this section provide the basis for the scope of the research, discussed next.

Scope of the Research

Following on from the rationale and literature review, the main scope of this study is to explore the phenomenon of child maintenance payment obligations “from the inside out” (Mandell 1995, p.89), that is, by giving voice to fathers’ perceptions and experiences accounting for why and how they make, change, and dissolve commitments to pay child maintenance. As shown by Bradshaw et al. (1999), giving fathers a voice is intended to facilitate an understanding of fathers’ social reality as distinct from the perceived reality of policymakers in the hope that this will help build more effective policy, thus ameliorating the wellbeing of children and of families in which parents separate.

The overarching research question investigates why separated and divorced fathers in Malta have differing attitudes towards, and behave differently in regard to, child maintenance compliance obligations. Study of the literature, as well as an awareness of the Maltese context in which the study is set, pointed to three important factors shaping fathers’ stances to their obligations: *perceptions of legal third parties and structures; perceptions of financial contexts; and beliefs on care for children*, including fathering norms and views of how children should be parented. These led to the identification of the following research questions which this thesis aims to answer:

Why do separated/divorced fathers in Malta have different attitudes and behaviours towards child maintenance payment obligations? How is fathers’ construction of non/compliance influenced by...

- 1) their understanding of the workings of the justice system, and the meaning they make of their experiences of it?
- 2) their sense of financial fairness, and their perception of their financial circumstances vis-à-vis those of mothers?
- 3) their views on fathering norms and their expectations around children’s care?
- 4) their religious attitudes and behaviours?

In order to address these questions, the thesis employs empirical qualitative methodology involving a purposive sample of separated/divorced fathers in Malta,

given that, as will be argued in chapter 5, qualitative methodology is best suited for gaining an in-depth understanding of the inter-relatedness between attitudes, experiences, and behaviours. Research findings and theoretical explanations have shown a strong relational element involving social bonds, interactions, and transactions. The relational element collides with the assumptions of policymakers that fathers' decisions on child maintenance payment obligations are founded solely on rational action, and that not complying with such obligations indicates selfish individualism (Skinner 2013). This justifies the choice of a critical realist relational framework (Donati 2015, 2016) as the epistemological framework of choice for this thesis, given that it conceives of reality as a blend of elements deriving from individual agency, relationships, and social structures. Further elaboration on the justification for this framework will be given in chapter 5. This introduction has justified the rationale for this research study and its scope. The next section gives an overview of the thesis chapters.

Synopsis of Thesis

Chapter 1 provides a synthesis of what is currently known about factors affecting fathers' stances around child maintenance payment obligations. Findings of quantitative studies are complex and nuanced but have generally found that compliance is positively affected by: parents (especially fathers') socioeconomic status; parents being married at childbirth; fathers having simpler rather than more complex family formations; fathers' satisfaction with access arrangements; friendly post-separation relationships; and typology of post-separation agreements. These findings have been mirrored in qualitative research which showed that compliance was positively associated with perceptions of affordability, satisfaction with access to children, and better relationships between parents generally as well as collaborative co-parenting following separation. Qualitative findings further added to the body of knowledge by showing how compliance was negatively associated with lack of trust in mothers' trusteeship of maintenance monies and by views that justice systems and child support agencies were biased against fathers and did not take heed of their needs or submissions. Additionally qualitative research has shown that fathering norms affect compliance, with belief in a provider role exerting a strong influence on compliance.

These findings have been interpreted through a number of theoretical frameworks which are discussed and critiqued in chapter 2. These are the theory of negotiated commitments which emphasizes how maintenance is linked to fathers' perceptions of fairness of reciprocities in transactions between parents post-separation (Finch 1989, Finch and Mason 1993); theory on the different subjective meanings fathers assign to maintenance monies, and on fathers' loss of control in a context of hegemonic masculinity (Zelizer 1994, 1996); social negotiation theory which considers a broad array of factors including norms and the part played by legal third parties (Pruitt and Carnevale 1993); and equity theory (Walster et al. 1978) which highlights fathers' overall appraisal of rewards versus losses. Despite differences in foci all theories emphasize the relational element of child maintenance by showing how fathers' stances towards child maintenance are developed via the subjective meaning given by fathers to post-separation arrangements in relational contexts involving mothers and third-party entities. The chapter concludes with reflections on research gaps in relation to findings and theoretical frameworks and how these relate to the study.

Chapter 3 presents the Maltese sociocultural context in which this study is embedded. It showcases Malta as a familialistic culture involving a blend of conservative and religious values in the background and emergent liberal values in the foreground as a result of the Second Demographic Transition, the effect of which has been most strongly evidenced in the last decade. It first presents the wider sociocultural context by discussing social organization, religious attitudes, and the political context in Malta. The chapter goes on to discuss how the Second Demographic Transition can be said to have affected key features of Maltese family life in the form of increasing gender parity; increasing age of mothers at first birth; an increase in births outside marriage; and an emergent decline in the marriage rate. It shows how these co-occurred with the legislation of divorce, civil unions, and same-sex marriage; and with policy measures to support female participation in the labour market. The chapter concludes with a section on child maintenance obligations as a social policy issue in Malta and strengthens the rationale for using Malta as a case study for exploring fathers' attitudes and behaviours in relation to child maintenance obligations.

Separation and divorce processes in Malta, including how child maintenance obligations are set in place and enforced, are discussed in chapter 4. This chapter starts by giving an overview of the introduction of the Family Court in Malta and of key personnel working

within this Court including mediators and the Child Advocacy Service. The chapter then discusses separation and divorce proceedings in Malta with reference to both consensual and contentious cases. Finally, the chapter discusses legislation germane to this thesis in relation to the matrimonial home; child custody and access; and child maintenance. It shows how the judiciary has power in all cases, either via vetting separation/divorce agreements or via court judgements. The judiciary is guided to consider children's needs and welfare; and in regard to child maintenance, is given discretion to decide the amount in the absence of formal guidelines. Law relating to child maintenance in Malta is enforced under both civil and criminal law, and the chapter concludes by giving an overview of criminal legislation in relation to maintenance obligations and its enforceability.

Chapter 5 discusses the methodology of the study. It addresses ontological and epistemological commitments. It also addresses the rationale: for the data collection method involving semi-structured interviews; for assigning fathers into either of two groups named consenting and dissenting payers; and for the choice of framework analysis. Reflections on ethical issues and on the author's own positioning within the study are also presented.

The findings borne out of this research are presented and discussed in chapters 6, 7, and 8. Chapter 6 discusses fathers' appraisal of the justice system. It starts by presenting data on the legal nature of fathers' post-separation parenting arrangements for their last past relationship involving children. It then discusses fathers' appraisal of legal professionals and the justice system. Consenting payers tended to report satisfaction with lawyers and mediation. Whereas dissenting payers generally reported dissatisfaction with lawyers' work ethic, abilities to represent their interests, and handling of conflict; and tended to perceive mediators as unsatisfactorily passive and dismissive of their standpoints. Dissenting payers had greater involvement with the justice system, mostly due to being gridlocked in conflict with their ex-partners over post-separation arrangements; and they appraised the justice system negatively, perceiving it to be underpinned by gendered assumptions which they felt favoured mothers and discounted the status of fatherhood.

Chapter 7 discusses how fathers' stances in regard to child maintenance payment obligations are influenced by their appraisal of financial contexts. It presents data

relating to fathers' and mothers' socioeconomic status as reported by fathers, and then discusses their financial challenges and their appraisal of the fairness of child maintenance obligations on the grounds of calculation of child maintenance monies and of financial egalitarianism across households. As opposed to consenting payers, dissenting payers in this study expressed more scepticism about how maintenance monies were calculated. They also expressed opposition to paying maintenance monies on the basis of reported inequity across households, care for resident children, and paying more than due in regard to care for nonresident children.

Chapter 8 discusses how fathers' stances in regard to child maintenance payment obligations are influenced by their views on parenting. It presents data on the typology of partnership fathers had before separating. Next the chapter discusses fathers' co-parenting context in terms of access arrangements and the quality of the co-parenting relationship. Whereas consenting payers generally reported collaborative relationships involving regular and flexible access arrangements, mutual respect for parental roles, and child-centred parenting, dissenting payers reported on hostile or nonexistent relationships involving perceived disrespect on mothers' end for their role as fathers and restrictions to access. Evidence shows that fathers' views on gender role performances of both parents were the most influential in shaping compliance. Consenting payers tended to identify with the provider role and reported better perceptions of their exes as trustees of child maintenance monies and as carers of their children. Conversely, dissenting payers discounted the importance of financial provision, instead accentuating the nurturing role of fatherhood. They held generally negative view of mothers' caring abilities and usage of maintenance monies, experiencing a loss of control over expenditure decisions.

Chapter 9 compares and contrasts study findings in the light of extant literature and interprets them from the four existing theoretical frameworks first discussed in chapter 2. The chapter explores the role of gender ideology at both a microsystemic level and macrosystemic level in the Maltese context and discusses the interplay between them. Policy implications arising from the study are then discussed. The thesis then addresses the study's limitations and directions for future research before concluding with reflections on the novel findings of the study and a summary of the most important implications.

CHAPTER 1: Factors Affecting Fathers' Compliance with Child Maintenance Obligations

Fathers' commitment to pay child maintenance is a continuous process which depends on various factors affecting willingness to pay. Willingness is not contingent on formal payment: some fathers pay voluntarily, whereas others are not willing but are forced to pay formally (Bradshaw et al. 1999, Taylor 2004). This chapter will present a synopsis of findings from quantitative and qualitative research across different countries on the most commonly cited factors shaping fathers' compliance with child maintenance obligations. Quantitative and qualitative research are often presented as two fundamentally different paradigms involving different epistemological, theoretical, and methodological stances (Hammersley 1996, Brannen 2005), although Hammersley (1996) challenged this binary typology on account of the heterogeneity and internal inconsistency to be found within both types of research. Nevertheless, the findings from quantitative studies and those from qualitative studies will be discussed separately for two main reasons. First, some themes were not explored in both types of study: for example, typology of partnership pre-separation was only explored in quantitative studies whereas appraisal of mothers' trusteeship of child maintenance monies and social/gender norms were only explored in qualitative studies. Second, even when the same theme is explored by both study typologies, the constructs relating to it are not necessarily the same. Thus for example in relation to financial circumstances, quantitative studies report on objective measures of such circumstances whereas qualitative studies report on perceptions. These attest to the differences in purpose and outcome between quantitative and qualitative studies: the former allows for generalization to population and the latter for generalization to social processes (Brannen 2005), a point which is returned to in the concluding reflections.

1.1. Findings from Quantitative Studies

This section will present findings from quantitative studies reported in peer-reviewed journals about the (non)/association of factors with child maintenance compliance in the form of likelihood, or amount of, child maintenance payment. The studies by Bartfeld and Meyer (1994) and Meyer and Bartfeld (1996, 1998) involved data from

court records, whereas the study by Meyer et al. (2005) involved administrative data on welfare recipients. All other studies involved survey data reported by separated fathers, mothers, or both parents. Summaries of literature show that mothers tend to underestimate father involvement (Huang 2009) and fathers tend overestimate their own involvement (Huang 2009, Berger et al. 2012) although parental reports have not been found to be overly inconsistent (Berger et al. 2012) and differences have not generally been found to be statistically significant (Huang 2009).

1.1.1. Parents' socioeconomic background

The link between child maintenance payment and socioeconomic status as proxy for the capacity to pay has been well-established in literature. A majority of findings have shown that measurements of child maintenance compliance are positively linked to: payers' socioeconomic status (Arditti and Keith 1993), payers' employment (Peters et al. 1993, Bradshaw et al. 1999, Nepomnyaschy 2007, Goldberg 2015), payers having higher income (Beller and Graham 1986; Sonenstein and Calhoun 1990; Teachman 1990; Teachman 1991a, b; Hill 1992; Bartfeld and Meyer 1994; Meyer and Bartfeld 1996; Bradshaw et al. 1999; Lin 2000; Manning et al. 2003; Meyer et al. 2005), payers having better financial circumstances (Bradshaw et al. 1999), and payers having higher levels of education (Seltzer et al. 1989, Peters et al. 1993, Veum 1993, Bradshaw et al. 1999, Manning et al. 2003, Nepomnyaschy 2007, Goldberg 2015). A possible explanation is that education is related to long-run earnings capacity (Peters et al. 1993, Veum 1993), affecting fathers' access to economic resources and mitigating against temporary decline in economic circumstances (Peters et al. 1993). Veum (1993) also discussed how fathers' education may be linked to greater willingness to be an involved father. However, measures of compliance were shown not to be associated with either fathers' employment in the studies by Veum (1993) and Lin (2000) or education in the study by Lin (2000).

Findings relating to mothers' socioeconomic status are more mixed. Some findings show that mothers' employment (Sonenstein and Calhoun 1990, Goldberg 2015), income (Seltzer et al. 1989; Teachman 1990; Teachman 1991 a, b; Hill 1992; Meyer and Bartfeld 1996; Lin 2000), and education (Seltzer et al. 1989; Sonenstein and Calhoun 1990; Teachman 1991a, b; Veum 1993; Lin 2000) show no association with measures relating to child maintenance compliance. Teachman (1991b) argued that this may be due to

offsetting effects attributable to the motivation of the father and to the ability to negotiate. Other findings show a negative association between measures of compliance and mothers' employment (Veum 1993), and income (Sonenstein and Calhoun 1990). Still other findings showed positive associations between measures of child maintenance payment and mothers' employment (Bradshaw et al. 1999), income (Bartfeld and Meyer 1994, Goldberg 2015), financial circumstances (Bradshaw et al. 1999), and education (Beller and Graham 1986, Teachman 1990, Seltzer 1991, Hill 1992, Peters et al. 2004, Meyer et al. 2005, Kiernan 2006, Nepomnyaschy 2007, Goldberg 2015). These are possibly attributable to proxy for fathers' socioeconomic circumstances via homogeneity of mate selection (Beller and Graham 1986, Seltzer 1991, Bartfeld and Meyer 1994, Kiernan 2006); to higher-income mothers having better recourse to legal aid/enforcement (Hill 1992, Beller and Graham 1986, Bartfeld and Meyer 1994); and to better-educated mothers (Kiernan 2006) and parents (Seltzer 1991) having better negotiation ability. Kiernan (2006) also postulated that lesser-educated mothers might be more likely to receive Child Support Agency (CSA) benefits and fathers might therefore be more reticent to pay child maintenance if the money is absorbed by a reduction in benefits. Whereas Meyer and Bartfeld (1996) did not find an association between child maintenance compliance and mothers partaking in social benefits programmes, the works of Seltzer et al. (1989), Bradshaw et al. (1999), Lin (2000), and Goldberg (2015) showed measures of compliance to be negatively associated with participation in such programmes. These results, however, may also be due to interaction effects of compliance and social benefits such as absence of fathers' contributions forming the basis for partaking in social benefits, and rules limiting the amount of child maintenance mothers can receive (Seltzer et al. 1989). Sonenstein and Calhoun (1990) reported a negative association of these variables based on mothers' reports of payments but a minimal positive association based on fathers' reports of payment and attributed this to differences between parents' reports when child maintenance is tied to assistance.

1.1.2. Typology of partnership at birth

Studies have explored the association between compliance and typology of partnership at childbirth. Nepomnyaschy (2007) found no relationship between compliance and the parents being in any relationship at time of birth. However, there is more evidence

showing that child maintenance compliance is positively affected when parents were married at childbirth (Seltzer 1991, Meyer and Bartfeld 1998, Bradshaw et al. 1999, Goldberg 2015). In their study on welfare benefit recipients, Meyer et al. (2005) found that parental marriage at birth impacted negatively on the likelihood of compliance but positively on levels of compliance. Seltzer (1991) postulated three different hypothetical explanations for a positive association between marriage at birth and compliance: married fathers having greater resources; the possibility that marriage formalizes fathers' commitment to responsibilities towards children; and the possibility that greater time spent together between children born in marriage and their fathers encourages paternal involvement following separation.

Paternity confidence has also been found to be related to compliance: being at the birth of the child and on the child's birth certificate both increased the odds of child maintenance payment in the study by Kiernan (2006). Nepomnyaschy (2007) found a positive association between child maintenance payment and fathers' hospital visitation at birth. These measures could also, however, be indicative of a better relationship between parents.

1.1.3. Subsequent family formation and fertility

Findings around the theme of how child maintenance payment affects or is affected by parental repartnering/remarriage and fertility are mixed and nuanced. Although fathers' repartnering/remarriage is often hypothesized to impact negatively on their capacity to pay child maintenance to children from former unions, some studies have shown that there is no impact of fathers' remarriage (Hill 1992, Peters et al. 1993, Veum 1993, Bartfeld and Meyer 1994, Meyer and Bartfeld 1996) or remarriage *or* repartnering (Lin 2000) on measures of compliance. Hill (1992) attributed this to a possibility that fathers' guilt played a part in continuity of payment following remarriage. Other studies have shown a positive association between measures of compliance and fathers' remarriage (Sonenstein and Calhoun 1990; Seltzer 1991; Teachman 1991a, b). These findings could be attributed to the role of resources making it easier for fathers to remarry (Sonenstein and Calhoun 1990, Seltzer 1991), or to fathers who remarry being more family oriented (Sonenstein and Calhoun 1990; Teachman 1991a, b). But the latter argument can be disputed as later studies found a positive association between measures of child compliance and fathers' repartnering (Goldberg 2015) or repartnering

or remarrying (Bradshaw et al. 1999, Manning et al. 2003). Financial support from new partners could offset financial pressures arising from two families: Bradshaw et al. (1999) found that fathers whose new partners were employed were more likely to comply with obligations, and Manning et al. (2003) found that inclusion of new partners' earnings in their analysis offset the negative effect of additional biological children on fathers' child maintenance payments. Veum (1993) found that fathers' divorce (from subsequent marriage) had no effect on their child maintenance payments to children from former unions.

Anderson (2011), who found that child maintenance payment was associated with a higher probability of remarriage, also argued that payers could be more family-oriented. He argued that child maintenance payment could serve as a signal to future partners that the man is a good investor in his children as he will not renege on his commitments; or that they are more likely than nonpayers to follow social conventions, although he reflected on a limitation of his study being that there were no measures of cohabitation. Again, however, an earlier study by Stewart et al. (2003) had found no impact of child maintenance payment on future union formation.

Scholars also explored how compliance is affected by fathers' subsequent fertility. In some studies, no association was found between measures of compliance and measures of children in the father's family (Hill 1992), or of fathers' other children (Sonenstein and Calhoun 1990, Veum 1993). In terms of studies explicitly referencing fathers' new biological children, Manning et al. (2003) and Nepomnyaschy (2007) found no association with compliance but the study by Goldberg (2015) reported a negative association. In terms of effects of compliance on subsequent fertility, Anderson (2011) found that child maintenance payment was associated with lower probability of having subsequent biological children.

The general thrust of findings indicates that the complexity of fathers' family formations impacts negatively on compliance. Bradshaw et al. (1999) found that willing payers had less past relationships involving children; were more likely to be in new relationships but not living with children; and had less dependent children in the household. Furthermore fathers in their study paid less on average when they were living with partners and children, indicating a kind of compromise in regard to responsibilities towards former and current families. The study by Meyer et al. (2005) involving welfare

recipients is unique in finding that payment was likelier and higher for fathers with children from multiple mothers, and was attributed by the authors to increased exposure of such fathers to enforcement systems. However they still reported negative effects on compliance: because the amount owed increased faster than amount paid, fathers' compliance rate (amount paid divided by amount owed) was inversely related to the number of children they had with different mothers.

In regard to differences between biological and stepchildren, a study by Manning and Smock (2000) found a negative association between child maintenance payment and additional biological children. They concluded that fathers privilege their biological children over stepchildren, and only engage in a trade-off between children from their current household and children from their former household if it involves their biological children in both cases. The authors reported that this could be due to an erosion of commitment to nonresident children, financial constraints, or other unknown factors. However, a later study by Manning et al. (2003) which reported a negative association between compliance and measures of level of complexity of fathers' families involving different sets of nonresident children and two or more types of children, found that compliance was not affected by children from the new union, but *was* adversely affected by resident, but not nonresident, stepchildren.

Other children in mothers' families were negatively associated with compliance in the study by Beller and Graham (1986), but were not associated with compliance in studies by Sonenstein and Calhoun (1990) and Veum (1993). Specifically in regard to mothers' new fertility, studies by Meyer et al. (2005) and Nepomnyaschy (2007) reported no effect on measures of compliance, whereas that by Goldberg (2015) reported a negative effect. The study by Berger et al. (2012) found no association of compliance with a new birth, whether or not a social father was involved, but found a positive association with the number of mothers' prior new births.

In terms of change of mothers' relationship status, Veum (1993) found that mothers' divorce (from subsequent marriage) affected child maintenance payments positively. Some studies found no association between measures of child maintenance compliance and mothers' repartnering (Goldberg 2015), remarriage (Beller and Graham 1986; Seltzer et al. 1989; Seltzer 1991; Teachman 1991a, b; Peters et al. 1993, Veum 1993, Meyer and Bartfeld 1996, Peters et al. 2004), or repartnering *or* remarriage (Lin 2000).

In the study by Bradshaw et al. (1999) compliance was affected positively if the mother lived with a new partner, although mothers with a working partner tended to be paid less, suggesting that stepfathers shouldered some of the responsibility. Conversely, other studies found a negative association between measures of compliance and mothers' remarriage (Sonenstein and Calhoun 1990, Hill 1992) or repartnering (Berger et al. 2012). Hill (1992) argued that this could be due to fathers feeling less obliged to pay with another father figure in their children's lives, or to mothers not remaining so eager on receiving child maintenance payment given their new marital status. An alternative explanation can lie in indirect effects of mothers' repartnering or remarriage, which can have deleterious effects on visitation, either due to fathers feeling that their role has been usurped by stepfathers or that their involvement is less necessary as their children have a new paternal role model; or because mothers may view fathers as less necessary and lessen encouragement or facilitation of contact (Cheadle et al. 2010). Consequently, fathers might respond to lack of contact with their children by withdrawing child maintenance payment in the light of the association between child maintenance payment and contact as will be discussed below.

1.1.4. Fathers' access to children

Fathers' continued access to children following separation has generally been found to be another important factor shaping fathers' compliance. Most studies have found that the likelihood (Teachman 1991b, Peters et al. 1993, Goldberg 2015) and frequency or levels of access (Seltzer et al. 1989, Sonenstein and Calhoun 1990, Seltzer 1991, Bradshaw et al. 1999, Peters et al. 2004, Cheadle et al. 2010) have direct or indirect positive associations with measures of compliance. Kurdek (1986) found that child maintenance regularity was associated with frequency, regularity, and length of visitation only for high-conflict families. He attributed this to interparental conflict being a motivator of continued paternal involvement in some circumstances; and to negative affect arising from loss of children motivating fathers' involvement despite conflict. Yet, other studies found no association between compliance measures and likelihood of access (Teachman 1991a) or frequency or levels of access (Arditti and Keith 1993, Veum 1993).

Variant attributions have been put forth by scholars for the (non)association between measures of child maintenance compliance and access, which is complex and nuanced

due the facts that causality can go both ways, and that the direction of effects is ambiguous because they can be either positively or negatively related, as argued by Nepomnyaschy (2007) who drew up a comprehensive synopsis of theory accounting for pathways through which these two variables may be related.

There are two major complementary (positive association) pathways. Access may influence fathers to be more receptive to their children's needs, and/or to appraise their children's care positively, resulting in their paying more child maintenance; or fathers who pay may want to see children more in order to oversee their contributions (Nepomnyaschy 2007). Support for the latter hypothesis came in the same paper in which the author found that although there was no association between father-child contact at year one and formal payment at year three of her study, there was a marginally significant relationship in the reciprocal direction of formal payments at one year on father-child contact two years later.

Links between child maintenance and contact with children may also be attributed to econometric theories in relation to the trade-off between financial support for mothers and access to children for fathers, as discussed by Nepomnyaschy (2007). Different permutations in relation to this trade-off can result in positive or negative associations between the two variables. Financial support to mothers may lead to increased contact and may also result in reduced conflict, motivating mothers to facilitate visitation. However, fathers may increase time in the labour force to compensate for lost income arising from child maintenance payment, resulting in less available time for contact. Huang (2009) used this attribution to account for his association between child maintenance payment and the onset, but not frequency, of fathers' contact with children: he argued that higher earners possibly have less time to visit children due to working more to provide for the children. A negative association can also result due to increased contact leading to less maintenance as care is traded for financial support. Evidence of this can be said to come from Peters et al. (1993) who reported that as opposed to fathers who experienced no change in custody arrangements, fathers receiving more custody than originally specified paid less, and those receiving less custody paid more, child maintenance.

The last hypothesis discussed by Nepomnyaschy (2007) is that there is no real relationship between child maintenance and father-child contact, and that this

relationship is driven by other variables. Support for this theory came from the works of Seltzer et al. (1989) and Veum (1993). Veum (1993) argued that the link is accounted for in terms of differences between parents in commitment and preferences. Seltzer et al. (1989) found that maintenance payments and access are complementary, but that many of the same demographic variables accounting for access also accounted for child maintenance payments. They also argued that commitment to family obligations underpinned the link between the two variables, although they only found evidence for the demographic model, and not for the commitment model, in their work. On the other hand, Peters et al. (2004) found against this hypothesis, reporting that the correlation between payment and access was not caused by unobservables, and that policies affecting compliance positively can substantially increase access.

1.1.5. The quality of the parental relationship

Studies by Teachman (1991a) and by Arditto and Keith (1993) did not find any association between child maintenance payment and the quality of the parental relationship following separation. Manning et al. (2003) found that compliance was positively linked to conflict, suggestive of more opportunities for conflict when fathers pay.

More studies have shown that compliance is linked to a positive parental relationship climate. Kurdek (1986) reported that compliance was adversely affected by high levels of interparental conflict. Wright and Price (1986) found that compliance was positively associated with both attachment between ex-partners and the good quality of their relationship. Bradshaw et al. (1999) also reported that contact with mothers and amicable parental relationships were positively related to compliance, and noted that it is difficult to ascertain in which direction the two factors influence each other. Sonenstein and Calhoun (1990) reported a positive association between compliance and mothers' reports of friendliness of relationship. Similarly, Goldberg (2015) found that based on mothers' reports, coparenting was positively associated with child maintenance payment. Goldberg (2015) found that coparenting had a stronger effect on fathers' payments than vice-versa; but that fathers' reports of coparenting were not associated with mothers' reports of payment, suggesting that mothers gave greater weight to payment in their assessment of co-parenting. Bradshaw et al. (1999) found an association between child maintenance compliance and involvement in decisions over

children. Seltzer (1991) had also found that fathers who pay child maintenance had more tendency to discuss children with ex-partners, discussed children more frequently, and were more likely to influence major childrearing decisions.

1.1.6. Typology of post-separation agreement and satisfaction with post-separation parenting arrangements

Typology of the post-separation agreement has been associated with child maintenance compliance. Seltzer et al. (1989) and Bradshaw et al. (1999) reported a positive association between compliance and a formal agreement. Bradshaw et al. (1999) attributed this to payers being more willing to acknowledge such agreements, or to the fact that most fathers had been married, and consequent divorce tended to be associated with such agreements, whereas Seltzer et al. (1989) noted that a formal agreement represents commitment and potential for state enforcement of payment. Beller and Graham (1986) and Teachman (1991a, b) both reported a positive association between compliance and a voluntary agreement, although Beller and Graham (1986) reported a decrease in magnitude when controlling for father's income, suggesting that fathers' willingness to pay is partly dependent on capacity to pay. Sonenstein and Calhoun (1990) argued that voluntary agreements could be linked to lower hostility between parties: in their study, a voluntary agreement did not exert an independent effect on compliance when the measure for friendliness of the breakup was included in the payment level equation. In the study by Peters et al. (1993) a contested divorce was linked to lower compliance.

In terms of satisfaction with post-separation arrangements, Bradshaw et al. (1999) reported that most willing payers were satisfied with child maintenance payment arrangements, and Lin (2000) found that perceived fairness of child maintenance arrangements increased fathers' compliance with their obligations. Arditti and Keith (1993) found that custody satisfaction was positively related to compliance, but fathers' satisfaction with attorneys and property settlement outcomes was linked to their paying less. They attributed this surprising result to the possibility that such fathers may report lower payments but be more consistent in payments; and to a limitation of their study being a lack of data regarding what contributed to fathers' legal satisfaction such as whether fathers were involved in mediation or litigation.

The quantitative studies provide useful evidence on the factors that relate to compliance, but are more limited in understanding the reasons and behaviours that lie behind such patterns, which have been better gleaned through the use of qualitative studies discussed in the next section.

1.2. Findings from Qualitative Studies

This section will discuss findings from qualitative studies which help formulate an understanding of how fathers construct their stances towards child maintenance obligations. The studies by Bloomer et al. (2002), Casha (2014,) and Natalier and Hewitt (2014) involved data from both mothers and fathers but only data from fathers is reported here.

1.2.1. Fathers' appraisal of financial circumstances

The link between child maintenance payment and perceived capacity to pay emerged across qualitative studies in Australia (Natalier and Hewitt 2010, Natalier 2012); the UK (Burgoyne and Millar 1994, Bradshaw et al. 1999); the US (Bloomer et al. 2002, Hans and Coleman 2009); Canada (Mandell 1995); Ireland (Taylor 2004); and Malta (Casha 2014) in which fathers, whether compliant with child maintenance obligations or not, reported facing financial constraints due to various life circumstances including unemployment, inconsistent income, indebtedness, costs related to re-homing, legal fees and court expenses, and direct parenting costs. Taylor (2004) highlighted how child maintenance was perceived to adversely affect the resources and quality of life fathers could offer their children. Child maintenance payment was perceived to contribute to financial loss even by better-off fathers (Natalier and Hewitt 2010, Natalier 2012).

A universal theme across these studies is that of financial fairness. Fathers referenced their financial situation to financial equity across households. Fathers' compliance can potentially be compromised by the formation of their second families. Some fathers opted or wished to prioritize their second families (Burgoyne and Millar 1994, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Hans and Coleman 2009) whereas others tended to put both families on an equal footing or stated that subsequent relationships would not affect their child maintenance payments (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Hans and Coleman 2009). Generally speaking,

however, willing payers tended to prioritize both families whereas enforced payers or nonpayers prioritized their second family. Studies reported that in constructing their stances on child maintenance, fathers considered whether mothers are in a good/better financial situation (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Taylor 2004, Dudova 2006, Hans and Coleman 2009, Natalier and Hewitt 2010, Natalier 2012, Casha 2014) due to employment or repartnering.

The studies of Bradshaw et al. (1999), Taylor (2004), and Hans and Coleman (2009) best explicated how fathers navigated tension between their own and children's needs; and how enforced payers and nonpayers prioritized self-subsistence whereas willing payers generally opted to prioritize their children's needs. Bradshaw et al. (1999) and Taylor (2004) discussed how reticent payers or nonpayers 'selected others' to carry the financial responsibilities of parenthood; and how some fathers who expressed reticence to pay stressed that they would contribute financially at a later stage after re-establishing themselves financially first. Taylor (2004) argued that reticence to pay was sometimes expressed in the form of fathers 'tying' their needs to their children's: for example, fathers argued that their need for adequate housing would benefit their children.

Some studies reported on fathers' agency which positively affected compliance in spite of reportedly limited capacity to pay. These included cognitive work such as: the acceptance of financial losses as normative following separation rather than attributing them to mothers or to judicial or administrative systems (Natalier 2012); anticipating less negative impact in the longer term due to increase in income or children coming of age (Taylor 2004, Natalier 2012); and reframing budgeting work (Hans and Coleman 2009). In the face of reported hardship, some fathers worked multiple jobs (Bloomer et al. 2002); sacrificed their own needs including in regard to housing (Taylor 2004, Hans and Coleman 2009); prioritized their children's needs by keeping payments going, even if small, or by using money which they had been earned on the side (Bradshaw et al. 1999); or took out loans (Natalier 2012) in order to comply with their obligations.

Authors have stressed that capacity to pay/affordability is not the sole (Bloomer et al. 2002, Taylor 2004, Natalier and Hewitt 2010) nor the main (Mandell 1995, Bradshaw et al. 1999) driver of noncompliance. Compliance is also shaped by fathers' perceptions in relation to factors discussed below.

1.2.2. Fathers' access to children

Fathers' desired and actual level of access to children is another driver of compliance. Even though in some studies fathers stated that the two issues of child maintenance payment and access should not be related (Burgoyne and Millar 1994, Bradshaw et al. 1999), studies have shown that in practice, there is a strong link between the two.

Bradshaw et al. (1999) showed that broadly speaking, willing payers had access to children and enforced payers or nonpayers did not. In terms of fathers' reflexivity, they reported that fathers understood how their own behaviour led to parental separation but not how it led to loss of contact with their children: examples included fathers not reflecting on their transgressions in relation to access arrangements, and a father who could not understand how his attempted suicide led to the mother withdrawing access to his child. In the study by Taylor (2004) the relationship between willingness and access was not as strong in that some compliers with access to children reported being far from willing to pay due to other factors. Not all fathers desired access in the studies by Burgoyne and Millar (1994) and Bradshaw et al. (1999). For fathers who desire contact, however, an undesirable level of access can result in feelings of unfairness or more pronounced negative affect such as hurt and anger due to separation grief and losses to their fathering roles. This can lead to the justification to withhold child maintenance payments or to threaten to do so, as was shown in the studies by Burgoyne and Millar (1994), Mandell (1995), Bradshaw et al. (1999), Bloomer et al. (2002), Taylor (2004), Dudova (2006), Moore (2012a), Natalier (2012), and Casha (2014). However, fathers can decrease or stop child maintenance payment or express the wish to do so (Taylor 2004, Hans and Coleman 2009) on the basis of increased access to children subsequent to more flexible arrangements, justifying their stance on the basis of more direct parenting costs on their end.

Some scholars explicated an understanding of the reciprocal nature of maintenance payment and contact with children in terms of gendered parenting roles. Bradshaw et al. (1999) and later Taylor (2004) described the reciprocal relationship in which the giving of child maintenance payment is contingent on the expectation of a return of support from the mother, particularly in regard to facilitating contact with children. They discussed how this can operate at an explicit level, including in front of entities

such as mediation fora or courts, but often operates at an implicit or subliminal level in the form of a 'silent bargain'.

The basis of this reciprocal relationship is the gendered approach to parenting, highlighted in the works of Moore (2012a, b), who argued that a gendered approach remains the basis for power and responsibilities post-separation, with fathers exerting control over money and mothers over children. As first argued by Bradshaw et al. (1999), withdrawal of maintenance monies can be a tool to protest at mothers' withdrawal of contact with children in order to attempt to nudge mothers into changing their behaviour. But Natalier and Hewitt (2010) challenged the strong emphasis on this 'tit-for-tat' strategy by highlighting the link between contact and visibility of use of child maintenance monies which results in fathers feeling their contributions are appreciated by their children.

1.2.3. Appraisal of mothers' trusteeship of child maintenance monies

Another factor shaping fathers' stances towards child maintenance obligations is their appraisal of the appropriacy of mothers' use of child maintenance monies. Across several studies, fathers justified reticence to pay child maintenance monies by expressing mistrust around mothers' use of money: they voiced concerns that mothers were not using child maintenance monies specifically on children (Burgoyne and Millar 1994; Mandell 1995; Bradshaw et al. 1999; Bloomer et al. 2002; Taylor 2004; Natalier and Hewitt 2010, 2014; Natalier 2012; Casha 2014), instead spending it on their households, on other family members including new partners and children from new partners/stepchildren, or on their own needs. Evidence for such concerns included not being given fiscal receipts as proof of purchases, reference to purchases made by mothers or members of mothers' second families, and reference to children's lack of appropriate clothing or toys, which also served to discredit mothers' caring abilities.

Scholars discussed how fathers expressed their appraisal of appropriacy of money use by questioning the amount of child maintenance money needed, and hence fuelling suspicion that mothers are misappropriating child maintenance money. Taylor (2004), Dudova (2006), and Natalier and Hewitt (2014) discussed how fathers in their study did not have realistic ideas of children's actual needs and the costs of raising them. This can be accounted for in terms of fathers basing calculations on conditions during marriage

(Taylor 2004) or a context in which fathers are inexperienced in budgeting given that mothers are usually the executor of the family budget (Taylor 2004, Dudova 2006, Natalier and Hewitt 2014). Natalier and Hewitt (2014) discussed how such discourse de-gendered care through fathers' adoption of a child-specific marginal costs discourse which deemphasized infrastructure costs, routine expenses which increase with children in the household, as well as invisible care tasks more commonly falling to mothers following separation, and disregarded structural gender inequalities in relation to the labour market.

The works of Burgoyne and Millar (1994), Bradshaw et al. (1999), Taylor (2004), Dudova (2006), and Hans and Coleman (2009) highlighted the finding that fathers' preference for child maintenance monies to be used specifically on children can also hold for payers. Some payers in these studies also queried mothers' use of child maintenance monies, or questioned whether they were supporting more than their due portion of expenses, including in circumstances when child support agency involvement resulted in more of their monies becoming incorporated in the family budget. Hans and Coleman (2009) reported that payers' concerns were unfounded once probed and acted as a proxy for frustration over having no control.

Nonpayers and fathers who expressed reluctance to pay (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Natalier and Hewitt 2010, Casha 2014) and to a lesser degree, willing payers (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Hans and Coleman 2009) were shown in studies to express a preference for direct payment of bills or for offsetting costs against child-specific costs such as childcare, direct spending, giving money directly to children, or investing money in bank accounts or funds for children. In the study by Hans and Coleman (2009), a number of payers would have preferred giving money directly to children in the hope that it would alleviate pressure from their new wives regarding their maintenance payments.

However, studies also yielded evidence that amongst payers, there was consciousness of costs involving children, less preoccupation with demarcation between supporting their children and supporting the mothers' household, and more acceptance of mothers' control over child maintenance monies. Amongst payers, there were views that childcare is expensive (Hans and Coleman 2009) or higher than amounts set by courts (Dudova 2006). Some payers in studies by Taylor (2004), Hans and Coleman

(2009), and Natalier and Hewitt (2010, 2014) did not challenge mothers' allocation of child maintenance monies, accepting the use of such monies to sustain mothers' households, although the expectation of child-centred spending was still implicit in their discourse at times. These fathers therefore de-gendered money and held fathering identities alternative to mainstream fathering identities, as argued by Natalier and Hewitt (2014). More empathetic stances toward the needs of mothers' households can also be linked to gender role ideology which will be discussed further on.

1.2.4. Fathers' views on co-parenting and on past relationship issues

Fathers develop commitments to pay child maintenance with mothers, not children, as first noted by Bradshaw et al. (1999). Consequently, fathers' views on their relationships with mothers can also influence their decisions around child maintenance. When fathers' appraisal of past or present involvement with mothers are negative, these issues may be conflated with the issue of child maintenance payment and result in noncompliance.

Feelings around breakup can influence fathers' stances towards child maintenance. Guilt was shown to enhance fathers' commitment to honour their obligations (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Hans and Coleman 2009): it was linked to a sense of duty including in terms of needing to compensate for relationship dissolution or absence from the child's life. Research has shown that payers tend to have 'good enough' co-parenting relationships marked by collaborative co-parenting practices despite challenges and/or a frosty relationship (Bradshaw et al. 1999, Taylor 2004, Hans and Coleman 2009, Natalier 2012, Natalier and Hewitt 2014). Natalier (2012) emphasized the importance of fathers' internal locus of control in their approach to parenting conflicts. As opposed to enforced payers/nonpayers, payers in her study perceived challenges following separation to be normal and controllable rather than a result of persecution by mothers. Payers and/or their partners were shown to engage in perspective-taking and respond to each other's circumstances; and to focus on children's wellbeing and engage in child-centred practices (Bradshaw et al. 1999, Taylor 2004, Hans and Coleman 2009, Natalier 2012, Natalier and Hewitt 2014). Natalier and Hewitt (2014) discussed how payers in their study appraised mothers as good carers. In Taylor's study (2004), fathers' child-centred focus in terms of recognition of mothers' good parenting abilities was pivotal in their decision to pay despite dissatisfaction with

co-parenting arrangements. Some payers valued the quality of co-parenting relationships such that they paid more than they were obliged to pay or paid the same amount even when they had increased access to children (Taylor 2004, Hans and Coleman 2009) in order to minimize conflict and preserve harmonious relationships.

Conversely, reticence to pay is linked to poor co-parenting relationships which may feature anger or hostility at mothers (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Natalier 2012, Casha 2014, Natalier and Hewitt 2014). These dynamics may adversely affect compliance via fathers' desire to keep control or exact revenge. The powerful effect of hostility contextualized in the relationship before separation was shown by Bradshaw et al. (1999) who found that two of the fathers were willingly paying child maintenance in regard to their second, but not their first, past relationship involving children due to feelings of hostility towards the mother of their first child.

An issue related to the relationship prior to separation is paternity certainty. An enforced payer in the study by Bradshaw et al. (1999) felt that he had no say in becoming a biological father and subsequently wished to renounce his role as a social father, and a nonpayer in the same study had his paternity denied by the mother. A lack of paternity certainty was one of the factors influencing a father's reluctance to pay in the study by Casha (2014).

Fathers who expressed a reticence to pay narrated accounts of conflict-ridden relationships with mothers in which they felt victimized/persecuted as a result of mothers' lack of responsiveness to their needs as fathers, frequently attributing this to mothers' selfishness, greed, vindictiveness, or mental illness as highlighted in a number of works (Mandell 1995, Bradshaw et al. 1999, Natalier 2012, Casha 2014). These stories were at times linked to the relationship before separation, but more frequently to mothers' gateclosing and to perceived misappropriation of child maintenance monies. Bradshaw et al. (1999) referred to these as 'atrocious stories' which functioned to portray mothers' parenting inadequacies and lack of support for their fathering role, thus buttressing fathers' reticence to pay.

1.2.5. Social and gender norms

Fathers' stances towards child maintenance are shaped in part by how they position themselves in relation to social and gender norms. Social stigma experienced by nonresident fathers does not necessarily lead to compliance, as was shown in the study by Mandell (1995). However, in the studies by Bloomer et al. (2002), Taylor (2004), and Hans and Coleman (2009), the authors highlighted how social stigma and shame related to consequences of nonpayment, including possible incarceration, influenced fathers to preserve their self-image by honouring child maintenance obligations. This can be related to both social and fathers' own views of the provider role, which role, as argued by Dudova (2006), becomes further highlighted following separation given that child maintenance payment is contingent on fathers' individual choice.

Across qualitative studies, fathers generally endorsed child maintenance as an appropriate component of fathering identities and practices (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Dudova 2006, Hans and Coleman 2009, Natalier and Hewitt 2010). Such is the strength of this norm, that in some studies, fathers presented themselves as payers even when they were not (Natalier and Hewitt 2010, Casha 2014). More generally however, enforced payers or nonpayers justified their stance in relation to this norm (Burgoyne and Millar 1994; Mandell 1995; Bradshaw et al. 1999; Bloomer et al. 2002; Taylor 2004; Dudova 2006; Natalier and Hewitt 2010, 2014; Moore et al. 2012a; Natalier 2012; Casha 2014), justifying nonpayment in view of perceived circumstances discussed earlier such as impaired capacity to pay, lack of access to children, and mothers' misappropriation of money. In relation to these justifications, Bradshaw et al. (1999) and Taylor (2004) used Finch and Mason (1993)'s term 'legitimate excuses' which they argued served to uphold fathers' moral reputation even though they did not pay.

Scholars have also sought to understand how fathers' behaviour might be explained by the degree to which they espouse the norm of child maintenance provider in a contemporary context in which, as Dudova (2006) argued, traditional hegemonic masculine norms involving paternal authority and material provision co-exist with new fatherhood ideals involving fathers' physical presence, looking after the children and the home, and emotional closeness. In this regard, the findings of studies, notably that of Dudova (2006) are suggestive of a continuum. On one end, fathers could view child

maintenance payment as a 'duty' or as something owed as a result of parental responsibility as highlighted in some studies (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Dudova 2006, Hans and Coleman 2009, Natalier 2012). On the other end lie the views of fathers who gave salience to active fathering or the nurturing aspect of fathering which can be seen as another example of how fathers 'tie' their needs to their children's (Taylor 2004): stressing the benefits of a more active fathering role can justify fathers' need for less or no transfer of child maintenance monies to mothers. In some studies, fathers who highlighted the nurturing role of fathering explicitly contested the provider role as the foremost responsibility (Mandell 1995, Dudova 2006, Casha 2014). Chronosystemic societal changes may affect fathers' attitudes. Dudova (2006) found that the fathers in her study who most strongly espoused the provider role had not always held such views, having changed their attitude to child maintenance following changes in their professional lives in the context of the Czech Republic's socioeconomic transition from communism to capitalism.

Subscription to a provider role played a powerful role in cases when fathers decided to comply in difficult circumstances including impaired capacity to pay, limited or no access to children, or perceived financial inequity across households (Bradshaw et al. 1999, Taylor 2004). It can also be linked to decisions to pay higher sums than obliged to help children prosper as shown by Hans and Coleman (2009) and Natalier (2012). The provider role was linked by Bradshaw et al. (1999), Taylor (2004), and Dudova (2006) to an expressed obligation by fathers to support mothers as well as their former children, in view of mothers' caring responsibilities. Pay disparities between parties were taken into account by some payers during negotiations (Taylor 2004) and influenced some fathers to comply despite increased parenting costs on their end due to having increased access to children (Hans and Coleman 2009). This contrasts with views of fathers who prioritized mothers' responsibility to generate income and share financial provision (Bloomer et al. 2002, Taylor 2004, Dudova 2006, Casha 2014). These included fathers who maintained that mothers' employment would exonerate them from paying (Bloomer et al. 2002); payers who were reluctant to pay more subsequent to the mothers becoming unemployed (Taylor 2004); fathers who contested maintenance on the basis of split residency arrangements (Taylor 2004, Casha 2014); and a group of fathers in the study by Dudova (2006) who espoused the principle of providing but emphasized the need for mothers' contribution in terms of providing for half of all the

material needs of the children. According to Dudova (2006) their families relied on the income of both partners prior to separation and their income was insufficient to support the family, often being no higher than that of their ex-wives.

1.2.6. Fathers' appraisal of judicial and administrative systems

Fathers' stances around child maintenance obligations can also be influenced by legal professionals and entities. Taylor (2004)'s study was the only one to report on fathers' appraisal of mediation. In his study, mediation was generally perceived as empowering by the fathers in his study who reported that mediators' skills in seeing and acknowledging both parties' perspectives; remaining neutral; and sequencing and prioritising issues of concern helped the parties to appreciate each other's perspective such that they were better able to accept the other party's influence by conceding on issues that concerned them less. Only one father reported having felt pressured into an agreement by the mediator.

Taylor (2004) reported on mixed views regarding lawyers' interventions. On the one hand some fathers were satisfied with a good settlement as a result of the lawyer-aided separation pathway. Fathers were satisfied with lawyers' interventions such as: helpful advice about the workings of the justice system, including raising awareness around realistic expectations in this regard; information on the "going rate" of child maintenance which was linked to trust in lawyers' statements that they had negotiated satisfactory child maintenance arrangements in comparison to what other fathers in similar circumstances were paying; and imparting advice on what they could do so that the court would look at their application more sympathetically. Negative perceptions included: lawyers being interested only in their fees; an acrimonious environment surrounding lawyers' negotiation; the threat of lawyers' interventions negatively affecting the separating parties' relationships; and being encouraged to tell falsehoods. Some fathers came to regret the trust they had placed in lawyers, reporting feeling disempowered by the negotiating process and pressured into signing an agreement with arrangements they felt were unsatisfactory. In Mandell (1995)'s study, lawyers' performance was perceived by nonpayers as ineffective and inept at best and driven by cynical self-interest and greed at worst.

The workings of the Irish justice system reported by Taylor (2004) were similar to those in Malta in that the amount of child maintenance payment was based on judicial discretion and the issue was resolved along with other issues such as child custody and access. He reported that this was linked to negative affect such as frustration and uncertainty as well as a reluctance to seek legal action. Taylor (2004) reported that some fathers opted for mediation and lawyer-aided interventions out of fear of the actual and symbolic costs of court adjudication. These fears also kept some fathers back from seeking variation in the post-separation agreement. Fears related to: the possibility that the court would not be sympathetic to their concerns; possible negative financial outcomes (increased legal costs, outcomes involving an inferior financial arrangement, and less control over money); relationship costs (court adjudication adversely affecting their relationships with mothers and thwarting the flexibility of arrangements); and symbolic costs (such as shame). Like Taylor (2004), other scholars also reported on beliefs that arrangements should be kept private and on reticence to involve legal structures in order to preserve control and flexibility in regard to parenting arrangements and/or a harmonious relationship tenor (Hans and Coleman 2009, Natalier and Hewitt 2010, 2014; Natalier 2012). Fear of court adjudication was a factor affecting compliance positively in studies by Burgoyne and Millar (1994) and Taylor (2004). However, Taylor (2004) also reported on cases where the fathers had nothing to lose as they perceived components of their post-separation arrangements (affordability, equity across households, access) as being all stacked against them: in these cases court adjudication and jail did not act as a deterrent.

The workings of judicial systems and administrative entities relating to child maintenance were appraised in grossly unfavourable terms in countries across the globe having different child maintenance regimes, namely those of Mandell (1995) in Canada; Bradshaw et al. (1999) in the UK; Taylor (2004) in Ireland; Natalier and Hewitt (2010) and Natalier (2012) in Australia; and Casha (2014) in Malta. The overarching theme emanating from a synthesis of these study findings is fathers' criticism that legal entities are biased in favour of mothers in regard to both child maintenance payment and access and visitation issues. The studies by Mandell (1995), Taylor (2004), Natalier (2012), and Casha (2014) best highlight feelings such as disempowerment, disempowerment, emasculation, punishment, and victimhood arising from fathers' reported experiences of gender-biased judicial and administrative systems to which

they had to relinquish control over their arrangements. These studies highlighted how fathers felt unheard and disbelieved by legal entities including in terms of their circumstances not being taken into account. Natalier (2012) reported that the undesirable outcomes of decisions taken by these legal structures were linked by fathers to children's wellbeing and life chances. Mandell (1995) interpreted fathers' critique of legal entities as a conflation of intentions/feelings of ex-spouses with those of the system and a transfer of their own feelings about the ex-spouses towards the system, although she discussed how the system can behave in ways which sustains or exacerbates conflict. Natalier (2012) stated that fathers perceived legal structures to uphold their ex-partners' immoral claims, and such a connection allowed them to question the legitimacy of enforced obligations.

Taylor (2004) found that apart from one father who felt satisfied with what he perceived as a fair overall settlement, fathers who had undergone the judicial pathway to separation felt unhappy with the outcome of separation proceedings. This included outcomes in relation to access and child maintenance payments: he reported that these fathers expressed greater unhappiness than others with the *level* of child maintenance payment they had to pay. Comparing the number of compliers with noncompliers for each separation pathway, he reported a greater rate of compliance for fathers who used mediation or lawyer-aided separation pathways than for those who used the judicial pathway. The studies by Mandell (1995) and Casha (2014) similarly highlighted the particular resentment judges drew from fathers for unfavourable rulings in regard to the outcome of judgements.

Scholars also highlighted the perceived role of administrative agencies as agents of oppression due to their role in the diminution of fathers' control over money (Bradshaw et al. 1999, Taylor 2004, Natalier and Hewitt 2010, and Natalier 2012). These highlighted fathers' dissatisfaction with an increase in financial support for the lone-mother household which potentially resulted in less capacity on fathers' end to bear direct costs or to give money or items directly to children. Fathers were also dissatisfied in cases where child maintenance monies took on a different meaning: for example, when maintenance monies were clawed back from benefits, meaning that fathers perceived more of their money as supporting the household rather than going towards the needs of their children (Bradshaw et al. 1999, Taylor 2004). In one of the cases discussed by Taylor (2004), however, a father was happier paying the State, as, in his

mind, it would result in more appropriate use by the mother. In some cases, fathers' negative perception of outcomes of agency involvement was linked to adverse effects on parenting relationships and fathers' commitment towards compliance (Bradshaw et al. 1999, Taylor 2004). Importantly, the study by Taylor (2004) showed how fathers' generally negative perceptions occurred despite fathers holding a positive view of agency transparency; speed and quality of communication; and help offered to fathers. This affirms that system transparency and efficiency are not a panacea for dissatisfaction.

Fathers' narratives of victimhood in relation to legal structures were seen by Mandell (1995) and Natalier (2012) to serve to reassert themselves both personally as good fathers and politically in terms of fathers' rights. As Mandell (1995, p. 97) stated: "for these fathers, when it comes to child support, 'the personal is political' ". Viewed through this lens, noncompliance serves as tool for resistance and self-empowerment (Mandell 1995, Natalier 2012).

1.3. Concluding Reflections

This chapter discussed the factors shaping fathers' (non)adherence to child maintenance obligations. To some extent, there are examples of *contradictory* (Brannen 2005) findings across the two types of research, but also within: for example, each factor explored in quantitative research has yielded a mix of findings showing no association, and an association of one or both directions, with compliance; and the presence and strength of factors, such as access to children, was shown to differ across qualitative studies. But overall, both quantitative and qualitative studies have shown noncompliance to be linked to more adverse financial circumstances, more complex family structures, a poor co-parental relationship, and dissatisfaction with post-separation parenting arrangements. This is an example of *corroboration* in which the 'same results' are derived from both types of research (Brannen 2005). However, the findings gleaned from both types of research also exemplify *complementarity* (Hammersley 1996, Brannen 2005) in which the results differ but together generate insights, and *elaboration* in which the qualitative data analysis demonstrates how quantitative findings apply in particular cases (Brannen 2005). These elements have provided an important context for the research strategy of this study and are discussed below.

Quantitative studies have shown compliance to be linked to measures of fathers' socioeconomic status as proxy for capacity to pay and to simpler family structures. These statistically significant findings are important for policymaking, as they show that acceptance of obligations is contingent on financial circumstances, and this calls into question how fathers with very limited capacity to pay are expected to pay, as was argued by Bradshaw et al. (1999). Findings in relation to mothers' socioeconomic status and family structures are less clear, although more studies show no association of compliance with these factors. Qualitative studies have made sense of quantitative findings, and of why compliance varies across the same socioeconomic group, by highlighting how fathers tie their payment positions in relation to perceptions of affordability in the context of their financial commitments, and of their perception of ex-partners' financial circumstances, taking into account which family to prioritize if they have more than one. They have also highlighted which coping strategies help fathers navigate financial tensions in order to comply with obligations.

In relation to access to children, various hypotheses have been put forth in quantitative studies to explain the direction of the link (if any) between access and compliance. These include the relationship between access to children and visibility of usage of maintenance monies; econometric hypotheses explaining how an increase in working hours may compromise access to children, or how increased access to children may compromise compliance due to more direct parenting costs; and the hypothesis that common factors underlie both compliance and access. Qualitative work showed how compliance was compromised when fathers were dissatisfied with access levels and grieved their fathering role in a context of gendered parenting roles, both pre- and post-separation, in which mothers control childcare and fathers control money. To a lesser extent, qualitative studies also showed how compliance was threatened when fathers' access to children increased as they incurred greater parenting costs. But qualitative work also showed a strong link between compliance and perceptions of mothers' usage of maintenance monies, which did not feature directly in quantitative work. Qualitative literature also showed how both access and mothers' use of maintenance monies were linked to the quality of the parental relationship, another factor shown by both quantitative and qualitative literature to shape fathers' stances towards compliance.

Quantitative literature found that formal and voluntary arrangements generally had a positive influence on compliance, whereas a contested divorce was linked to lower

compliance. Qualitative literature was crucial in elucidating how fathers' compliance was shaped by their separation pathway, with fathers feeling generally dissatisfied with workings of court or administrative systems. Fathers perceived these structures as oppressive due to their role in the diminution of fathers' control over money and parenting. Court systems in particular were appraised as disempowering, as biased towards mothers, and as not taking heed of their financial circumstances and fathering aspirations. Thus, fathers' perceptions of fairness of arrangements were also tied to their perceptions of procedural justice. Qualitative work has therefore been seminal in highlighting the importance of *fairness* in relation to both relationships with mothers *and* with social structures, highlighting the need for policymakers to shift their mindframe from perceiving noncompliance as an act of selfish individualism to one embedded in relational contexts as argued by Skinner (2013).

Finally, qualitative literature has also been crucial in developing an understanding of maintenance obligations compliance by contextualizing fathers' stances in the light of the norms they espouse, particularly fathering norms. The degree to which fathers espouse the provider role was shown as a key factor in compliance, and, in some cases, influenced fathers to pay child maintenance even in the face of adverse financial or relational circumstances. Conversely, a more egalitarian stance in the form of expectations that mothers should contribute more or equally, or that active fathering aspirations are more important than the provider role, was shown to be related to contestation of child maintenance obligations. There is room to hypothesize that contestation will increase in the context of second demographic transition changes including egalitarianism and contemporary ideals of fathers' active involvement in childcare discussed by Dudova (2006) and Petts et al. (2018).

To summarize, therefore, this chapter has shown how quantitative and qualitative research studies have shed light on the phenomenon of child maintenance. Quantitative research has shown how compliance is shaped by: demographic factors; direction of relationship (if any) between access and maintenance payment; co-parenting relationship type; and different typologies of post-separation arrangements. The strength of qualitative research lies in its provision of context-rich data about participants' perspectives on these and other factors including fathering norms and interactional processes with ex-partners and justice/administration systems. The next

chapter discusses how the findings discussed in this chapter have been accounted for by scholars in terms of major theoretical frameworks.

CHAPTER 2: Theoretical Frameworks Informing an Understanding of Fathers' Choices Around Child Maintenance Obligations

The last chapter explored what both quantitative and qualitative research studies have found regarding the diverse factors thought to influence fathers' (non)adherence to child maintenance obligations. The aim of this chapter is to show how these findings have been interpreted through different theoretical frameworks by some of the scholars who conducted the qualitative studies reported in the last chapter. The term 'theoretical frameworks' is sometimes used interchangeably with the term 'conceptual frameworks' in social science given that both terms represent epistemological paradigms which guide the researcher in understanding the reasons why they chose to study the topic, the assumptions made, the direction of the study, and their theoretical position vis-a-vis other scholars (Imenda 2014). However, Imenda (2014) differentiates between them on a number of points. On the basis of her work, the term 'conceptual framework' might be more pertinent to use given that conceptual frameworks, uniquely created by the researcher from a variety of perspectives, may be located in both quantitative and qualitative studies, which would make sense given that studies in the area of child maintenance have been conducted within both these paradigms. However, the author has opted to choose the term 'theoretical framework' instead, which is usually invoked in quantitative research paradigms. This option was taken on the basis of the following descriptors given by Imenda (2014): firstly, that theoretical frameworks are formulated from reviewed literature and data; secondly, that they are adopted/adapted from pre-existing theoretical frameworks; and thirdly, that these theories have a wider application beyond the scope of the problem in question. Thus, for example, the theory of negotiated commitments, which will be discussed below, was originally applied by Finch and Mason to filial obligations and kin support for elderly people. These theoretical frameworks are discussed below. The most widely used frameworks will be discussed first followed by two frameworks that were each used by one author only.

2.1. The Theory of Negotiated Commitments

Parental separation/divorce brings about various changes in parents' and children's life circumstances. As argued by Cheal (2002), changed circumstances create changed needs and hence shifts in people's choices around commitments which were defined by Cheal (2002) as "obligations that individuals feel to perform certain acts for other people, due to the fact that they have accepted and fulfilled similar obligations in the past" (p. 46). In post-separation/divorce families, however, parents have a blend of some previous obligations and some new ones: Beck-Gernsheim (1999) described such families as 'post-familial families'.

Choices around commitments to obligations reflect people's expressed judgement regarding priorities on the basis of which relationships are more or less important (Cheal 2002). Although people's priorities are influenced to a greater or lesser extent by 'normative guidelines' which are community standards regarding appropriacy or acceptability, they are also influenced by other factors such as past interactions of family members and deep feelings about love and fairness (Cheal 2002). The work of Finch and Mason (Finch 1989, Finch and Mason 1993) is seminal in this regard. They argued that commitment is a dynamic process: it is developed in a way that is much more complex than simply following obligatory rules. In broad terms, it is shaped by five open-ended considerations guiding people's decisions about 'the right thing to do' (Finch 1989). These considerations are: who the person is and the relationship in genealogical terms; how well one gets on with that particular person; the pattern of past exchanges involving the persons; the likely impact of support on the balance between dependence and independence in the person's family relationships; and whether the timing for giving support is appropriate.

This framework was first mentioned as a relevant theoretical framework for explaining findings around child maintenance by Burgoyne and Millar (1994) who referenced the theory by highlighting that in regard to child maintenance payment obligations, there may be differences between what is appropriate in principle and what is acceptable in practice, and that fathers' sense of fairness and justice are important drivers of decisions around child maintenance payment obligations.

The application of the theory to findings around child maintenance payment obligations was fully explicated by Bradshaw et al. (1999) and later used by Taylor (2004). Fathers' consideration of the appropriate time to give support was shown to make sense of findings linking payment with affordability. Both scholars also showed how the five open-ended considerations guiding people's decisions about 'the right thing to do' discussed by Finch (1989) link to guidelines of balanced or generalised reciprocities discussed by Finch and Mason (1993), and to fathers' navigation of tensions between these two reciprocities.

Balanced reciprocity, more typical of adult relationships, is marked by the expectation that people reciprocate immediately by offering something in return for support received (Finch and Mason 1993). There is therefore a balanced equilibrium and sense of overall fairness. In the area of child maintenance, this is typically seen in the reciprocal loop, and exchange, between child maintenance monies and access to children, which may occur at an explicit level or in the form of a 'silent bargain' at an implicit level as first discussed by Bradshaw et al. (1999). This explains the tendency for compliant/willing payers to use child maintenance payment to pave a smoother way for access arrangements, and to comply with arrangements in the light of satisfaction with access arrangements; and that of enforced payers/nonpayers to justify nonpayment in the light of their dissatisfaction with access arrangements. In that way the exchanges between the parents can stay in balance. Taylor (2004), like Bradshaw et al. (1999), also drew on the theory of negotiated commitments in relation to explicit and implicit negotiations involving exchange of child maintenance monies for access. However, in his work the focus tended to be wider than access to children in relation to fathers' perception of fairness and balanced equilibrium. Taylor (2004) stressed that fathers' subjective sense of fairness hinged on their assessment of the fairness of the overall parenting arrangement package including housing.

The other type of reciprocity is generalised reciprocity. This is more typical of adult-child relationships and does not carry an expectation of an immediate return as it forms part of the pattern of inter-generational exchange within families (Finch and Mason 1993). Fathers may operate upon the basis of generalised reciprocity by complying in spite of poor co-parenting relationships and limited or no access to children (and hence in spite of a lack of balanced reciprocity) as shown in the studies of Bradshaw et al. (1999) and Taylor (2004). Such behaviours are exactly in line with policy expectations. However,

fathers may opt to operate upon the basis of generalised reciprocity in another way. In order for the principle of generalised reciprocity to function well, the maintenance monies have to be 'visible' to the children who are recipients. As first shown by Bradshaw et al. (1999), generalised reciprocity underlying the payment obligation is threatened when fathers perceive that child maintenance monies were not going towards children's needs. In these cases, fathers might express a desire to bypass the mother by giving money or other types of contributions directly to children; by saving money in bank accounts to give to children in future; or by leaving money as an inheritance. In this way, fathers could 'resolve' the dilemma surrounding their obligation to pay by opting for generalised over balanced reciprocity, thus expressing care but simultaneously dissolving their commitment to pay child maintenance to the mother (Bradshaw et al. 1999). However, in the study by Bradshaw et al. (1999), it was shown that despite fathers' expressed intent to make direct contributions to children, only one father was doing so. The authors accounted for this in the context of fathers' mistrust of mothers, which likely meant that fathers perceived that mothers would still squander the direct contributions and that there was little chance of increased contact with children. Hence, saving money to give to children in future including in the form of inheritance money might therefore be the 'safest' option for fathers in such circumstances. Bradshaw et al. (1999) referenced this to the notion of 'postponing' relationships with children. The principle of 'visibility' of child maintenance monies linked to generalised reciprocity was therefore shown by Bradshaw et al. (1999) to account for noncompliance.

As shown in chapter 1, fathers' preference for child maintenance monies to be used specifically on children can also hold for payers (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Dudova 2006, Hans and Coleman 2009) and the expectation of child-centred spending of maintenance monies was still implicit at times in the discourse of fathers who did not challenge mothers' allocation of child maintenance monies (Taylor 2004; Hans and Coleman 2009; Natalier and Hewitt 2010, 2014). Payers may also experience tensions in regard to the two types of reciprocities, as best shown by Bradshaw et al. (1999) and Taylor (2004) in their discussions on how the involvement of child support agencies brought about a potential worsening of parenting arrangements as discussed in chapter 1. Generalised reciprocity was threatened both when fathers had to pay more child maintenance, resulting in less available financial

resources to contribute to children's needs; and when the child maintenance amount was perceived by fathers to be used more towards maintaining the household than towards addressing children's needs directly: for example, if child maintenance monies were clawed back from income support. In certain cases, these changes also resulted in increased tension and conflict between parents, disrupting the harmonious relationships between parents and hence having a deleterious effect on balanced reciprocity.

Literature has also shown how willing payers use additional contributions to enhance both types of reciprocities. Payers may embrace both types of reciprocity by paying child maintenance in addition to *particular* child maintenance arrangements being made in exchange for better conditions such as access or housing arrangements (Taylor 2004). Additional contributions on top of existing child maintenance obligations made by willing payers as reported by scholars (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Dudova 2006, Natalier and Hewitt 2010, Natalier 2012) could serve to fortify generalised reciprocity in terms of increased visibility of contributions in their children's eyes as well as maintain balanced reciprocity by smoothing relationships with mothers, which would in turn maintain desirable access levels. Fathers' desires in relation to housing as highlighted in the work of Taylor (2004) can also be interpreted as their need to fortify generalised reciprocity.

Negotiated commitments theory has the strength of taking full account of fathers' most important microsystemic context. It takes into account fathers' appraisal of financial context, their past and present relationship history with their ex-partner, and their desired degree of in/dependence. Although strongly relational, the theory indirectly accords importance to fathers' individual norms and values in terms of how they operate in relation to the two reciprocities. A disadvantage of this theory is that it does not directly acknowledge the power of the wider macrosystem, both in terms of gender roles and the ways these are shaped by social structures including the justice system, on parental negotiations and on fathers' compliance, although it does take into account how compliance may be shaped by fathers' perceptions of changes brought about by law enforcement.

2.2. Symbolic Meanings of Child Maintenance Monies

A number of scholars have sought to explain child maintenance negotiations – and disputes arising thereof – in terms of the complex and nuanced symbolic meanings attached to the transfer of child maintenance monies. In her seminal work, Zelizer (1994, 1996) discussed how monetary payments fall into three categories: gift, entitlement, and compensation, with each one corresponding to a significantly different set of social relations and systems of meanings. Payers use a number of ‘earmarking techniques’ to differentiate between these categories of social relations and meanings, and to exert control over the appropriate use of money received within each category. Bradshaw et al. (1999) and later Taylor (2004) applied this theoretical framework to the area of child maintenance payment by showing the array of possible meanings it may have to payers. Child maintenance payment may be seen as an entitlement to the child, mother, or both; as a guarantor of access; as compensatory in terms of compensating the mother for her caring role, or compensating for father absence, perhaps fuelled by guilt at initiating the separation; as a token for upholding the father’s caring attribute; or as a gift for the child in circumstances when the payer lacks access to the child (Bradshaw et al. 1999). Bradshaw et al. (1999) and Taylor (2004) also showed how it is possible for child maintenance to have more than one meaning for the payer. It may be said that policymaking assumes that fathers should view child maintenance as an entitlement for the child. However, policymakers have over-estimated the ‘entitlement’ meaning of child maintenance, which is heavily interwoven with access to children, trust in regard to the appropriacy of use of child maintenance monies, and the quality of the relationship between the parents as first shown in the work of Bradshaw et al. (1999).

Findings reported in chapter 1 showed how fathers generally earmark child maintenance monies as ‘special money’ to be used exclusively for child-specific needs such as clothes and toys. The works of Bradshaw et al. (1999), Taylor (2004), Dudova (2006), Natalier and Hewitt (2010, 2014) and Casha (2014) discussed how this relates to the purpose of rendering the father visible. Control and power over child maintenance money are shifted to the mother following separation, and mothers become trustees of fathers’ relationships with their children and of the meanings of care, intimacy, and love attached to the act of giving child maintenance money. From fathers’ perspectives, if mothers refuse to mediate by highlighting fathers’ work and financial support (such as

by misappropriating the money in their view or incorporating it into the family budget rather than spending it specifically on children), then their role as provider can become completely invisible to their child.

The shift in control and power over money following separation can best be understood in terms of fatherhood norms within the broader sociocultural context of patriarchal and male hegemonic power, as highlighted in the works of some authors (Burgoyne and Millar 1994; Dudova 2006; Natalier and Hewitt 2010, 2014; Moore 2012a, b; Natalier 2012; Casha 2014). Hegemonic masculinity refers to societal expectations regulating socially acceptable attitudes and behaviours of men, and encourages male dominance of women – as well as of men who do not form part of the dominant ideal – in part through headship of families and through being primary breadwinners (Connell 1995). Breadwinning remains a key element of manhood and fatherhood in contemporary society (Dudova 2006, Petts et al. 2018).

Burgoyne and Millar (1994) were the first to argue that behaviours on fathers' part such as delaying payments, or preferring to pay in kind or to invest in a trust fund for children rather than transfer money to mothers, can serve as a form of controlling and manipulative power over the mother. These desired or actual forms of control over child maintenance money can be understood in terms of earmarking child maintenance as 'special money' as discussed above, but can also be understood in the context of fathers' loss of control over household money following separation. Literature has consistently shown men's control over how money is used in intact families, both in regard to household expenditure and to discretionary spending money, including in systems where women have nominal control in terms of being tasked with money management, although this varies across different contexts (Kenney 2006, Burgoyne and Kirchler 2008). Men's control over money has been shown to hold even in more theoretically egalitarian money allocation systems, such as partial pooling in which both partners as dual earners cover expenses jointly and retain an amount of personal spending money. In studies by Nyman (1999) and Elizabeth (2001) on couples using independent money management systems, this control took various forms, such as the men as higher earners having more power to define legitimate collective or personal spending; or women as lesser earners feeling more beholden to men as the more affluent partners, and thus feeling less entitled to spend discretionary spending money, or spending discretionary spending money on food and children's needs.

Given that men's preferred fathering identities and practices therefore involve the ability to at least partially control the flow of money into and out of the household, and to evaluate the legitimacy of costs, fathers' control over money, and hence masculine identity, is threatened by separation, as shown in the works of Natalier and Hewitt (Natalier and Hewitt 2010, 2014; Natalier 2012). Natalier and Hewitt (2010) gave a different take on the application of Zelizer's (1996) work on the symbolic meaning of money. They argued that before separation, the exchange of money between partners is a voluntary act and therefore a gift for the household – which can be withheld if the recipient is not appropriately grateful – implying control and power for the payer and subordination for the recipient. On the other hand, following separation, the monetary exchange taking place is the recipient's entitlement to a share, which is irrespective of both the goodwill and generosity of the payer and the recipients' gratitude and budgeting behaviour. Control and power are therefore shifted to the recipient. This feminist lens therefore contextualizes fathers' subjective loss of control and power over money, and the threat of not being seen as a father, in the wider societal context.

This theoretical framework can be critiqued for its one-dimensional focus on the subjective personal meaning fathers give to child maintenance payment, which shapes their assessment of the appropriate use of child maintenance money. Although it accords importance to the macrosystem, it does not accord due importance to the part played by the justice system. The framework can be critiqued for neglecting material issues such as actual capacity to pay and financial challenges including, but not limited to, those related to formation of second families. It can also be critiqued in terms of it not taking into account fathering norms and values as well as fathers' needs and rights as they struggle to parent actively, facets which were captured most comprehensively in the work of Taylor (2004).

Whilst Taylor (2004) referenced the importance of theory in regard to male hegemonic power, he critiqued this theoretical framework in the light of Nussbaum (1999)'s (perhaps ironically, feminist) work. The notion of individual human dignity is the basis of Nussbaum (1999)'s capabilities approach focusing on ten human functional capabilities needed to live a decent life. These capabilities are: living a full life; bodily health; bodily integrity; senses, imagination, and thought; emotions; practical reason; affiliation; other species (e.g. concern on environmental issues, enjoying nature and appreciating its beauty); play; and control over environment. Nussbaum (1999) emphasized the

importance for policy to secure at least a threshold level of these capabilities for individuals. Taylor (2004) noted that in regard to single fathers, four capabilities may be of special importance: their bodily health and integrity (need for nourishment and shelter); emotions (their attachments to their children; their capacity to love, grieve, and experience justified anger; as well as not having their emotional development blighted by anxiety or fear); affiliation (living for and in relation to their children and interacting with them); and political and material control over their environment. Nussbaum's capabilities approach may therefore be used to critique feminist interpretations of findings from the theoretical perspective of male hegemonic control over money. For example, fathers' views that paying child maintenance results in having less money to actively parent their children when they are staying with them has been interpreted by Natalier and Hewitt (2010) as implying a loss of *their* money and their perception that it would not benefit their children if it goes to mothers. But an alternative interpretation in the light of Nussbaum (1999)'s work is that they have a legitimate right to control over material issues as well as to affiliation and interaction with their children. Taylor (2004) used Nussbaum's capabilities approach to critique social policy. He argued that a shortfall in any capability leads to a deficit in quality of life; that fathers have as equal a right as other family members to acquire functional capabilities – before, during, and after separation; and that it is policymakers' duty to ensure that fathers' capabilities to function are met. Furthermore, he argued that policy may also influence what fathers believe they can actually attain and how it can be done, because according to Nussbaum (1999)'s capabilities approach, there tends to be a self-fulfilling prophecy effect in that people adjust their expectations to the low level of wellbeing they think they can attain. In practice, Taylor (2004) argued, fathers' capabilities to function are jeopardized by policy in regard to parental separation and obligations arising thereof. Fundamentally, this occurs because of the 'domino effect' occurring as a result of gendered parenting roles: mothers are typically vested with primary residential status in the first instance, so that fathers by default are thrust into the role of payer. The feminist-informed work of Natalier (2012) also highlighted that legal and administrative processes leave little space for fathers to articulate emotional connections with children.

Gendered roles therefore remain the basis for power and responsibilities post-separation, with fathers exerting control over money and mothers over children, and

trade-offs between access and child maintenance monies. For fathers, there may therefore be a resulting trade-off between specific functional capability sets such as father-child access being traded for increased maintenance provision. In essence this typical scenario taxes fathers' level of resources, and hence their bodily health and integrity capabilities as well as their material control over their environment capabilities. In addition, it also negatively affects time spent with children, hence taxing fathers' emotions and affiliation capabilities sets.

2.3. Social Negotiation Theory

Social negotiation theory, developed by Pruitt and Carnevale in 1993, was used by Taylor (2004) to make sense of his empirical findings. Applied to fathers' decisions around child maintenance payment obligations, the theory states that a number of factors affect fathers' decisions around compliance. These include: fathers' perceptions, cognitions, and motives including their post-separation parenting aspirations; their psychological frame of mind; their strategies and tactics; and their context, such as conditions at the beginning, resources available (which makes sense of findings in relation to un/affordability), relationship with ex-partner, prevalent social norms, the behaviour of third parties, and the time context. Social negotiation theory posits that motives during negotiations may not only be driven by self-interest. For parents negotiating post-separation parenting arrangements, there is a dual concern model of negotiation as both parties have concern for both their own welfare and others'. As reported in chapter 1, fathers' financial investment in/for children in ways other than paying child maintenance (such as direct parenting costs, paying home mortgage, investing money for children) could be interpreted from a self-serving point of view, in terms of fathers tying their needs to children's, and of fathers' desire to be visible, as discussed earlier on. Alternatively, these could be interpreted as altruism in terms of social negotiation theory (Taylor 2004). Fathers' altruism can also be seen in cases where they reluctantly accept arrangements that are not in their self-interest (Taylor 2004).

Social negotiation theory accords an explicit acknowledgement of the time context by looking at how child maintenance arrangements are negotiated and managed over time. This makes sense of Dudova (2006)'s finding – relating to the influence of the chronosystem – that some fathers changed their attitude to child maintenance payment

following changes in their professional lives in the context of the Czech Republic's socioeconomic transition from communism to capitalism. It also makes sense of changes in fathers' stances towards child maintenance as a response to changes in circumstances including the formation of second families, changes in levels of access, and changes as a result of legal third party involvement discussed in chapter 1.

The theory also accords explicit importance to third party involvement in terms of the part played by entities on a macrosystemic level including mediators, lawyers, and administrative/judicial systems. This is a strength of this theory. As West and Zimmerman (1987) argued, gender is socially constructed at both the microsystem and macrosystem levels, and in the recursive relationship between them. Gender is therefore 'done' in the form of everyday interactions within the context of politics and discourses/narratives prevailing at the wider institutional and interactional spheres.

Taylor (2004) discussed how the entry of third parties produces new arenas involving each of the two negotiators as well as third parties themselves. He argued that the choice and influence of the separation pathway itself on child maintenance payment negotiations and compliance deserved greater importance than had previously been accorded. As discussed in chapter 1, the fear of financial and symbolic costs of court involvement influenced some fathers to use mediation/lawyer-aided separation pathways and/or to comply with child maintenance payments. In turn, the outcome emanating from the particular separation pathway could either smooth or exacerbate fathers' psychological state of mind as well as the state of the parental relationship, via fathers' sense of procedural justice: people need to feel that they are being fairly treated both in terms of due process and in the final decisions reached (Taylor 2004). Procedural justice, and parties' satisfaction with outcomes, depends on the extent to which third parties gain information on both parties' perspectives, speak both parties' language, and are trusted by both (Taylor 2004). These skills affect parties' sense of control over proceedings and empowerment. As was reported in chapter 1, Taylor (2004) reported on a gradient of satisfaction with separation pathways, with mediation being the most positively appraised, lawyers receiving mixed reviews, and the judicial pathway receiving the most negative appraisal from fathers.

On paper, mediation allows parents the most control over proceedings. Lawyers' mixed reviews can be explained in terms of the model of lawyering used as they transform

disputes by mediating between the law and clients' stories. Much depends on how they handle clients' emotions; explain the workings of the law to the clients; handle the different agendas of the parties; and re/interpret parties' stories and behaviour. The theoretical work of legal scholars is germane to an understanding of clients' satisfaction in separation or divorce cases. Mather and Yngvevsson (1981) proposed a two-way model of interaction in which lawyers engage in 'narrowing', defined as presenting legal rules such as to change clients' perception of the case, but also in 'expansion' which re-phrases disputes in the light of clients' stories. Clients' satisfaction may hinge on the degree to which lawyers work proactively around clients' stories. Another vitally important facet of lawyers' work is the degree to which they either reduce or exacerbate conflict. Lawyers can operate different models of lawyering which can lean towards 'good' (collaborative, mediating) or 'bad' (exacerbating high conflicts) lawyering practice as discussed by Eddy (2017). He discussed how 'good' lawyering practice involving skills such as containing clients' conflict, helping clients see the other party's perspective, helping clients prioritize needs and pick battles carefully, and adopting a win-win strategy, can smooth relationships between parties. Clients' satisfaction may hinge on the degree to which they are in agreement with the lawyer's collaborative versus vindictive approach.

Judicial and administrative systems are the most formal pathways and allow parties the least control over outcome, potentially accounting for fathers' overwhelming negative reviews of the system. Thus, in terms of Finch and Mason (1993)'s hypothesis, the more the influence or imposition of the third party on the outcome, the less fathers feel that the settlement was genuinely negotiated, and the less powerful their commitment to their obligations is (Taylor 2004). Interestingly, as shown in Taylor's findings about fathers who did not want court involvement due to fear of dire consequences, even fathers who do not have direct experience of court perceive this potential loss of control. Additionally, the child maintenance regime *itself* could be a cause of fathers' disgruntlement, in relation to gendered assumptions underlying the regime, or in regard to uncertainty regarding how maintenance is calculated when it depends on judicial discretion, as argued by Taylor (2004).

Social negotiation theory can be said to be the most sophisticated theory in outlining the broadest array of factors influencing negotiation and compliance although it can be said to simply be an aggregate of such factors and lacking explication on the interplay

between factors. Despite this limitation, its emphasis on the intervention of third parties is a potential positive for policymakers in terms of possible policy measures such as improving the judicial system and training law professionals in more positive, collaborative lawyering models. Alternatively, there could be policy shifts towards eliminating third parties altogether, as is the case with UK policy which encourages private agreements between parties.

2.4. Equity Theory

Equity theory was proposed by Walster et al. (1978). The basic proposition of the theory is that people assess rewards and costs; work out outcomes in terms of rewards minus costs; and seek to maximize such outcomes. According to the theory, in regard to relationships, people work out the ratio of contributions to benefits relative to their partner (or ex-partner following separation/divorce) and perceive the relationship as either equitable, or inequitable due to real or perceived inequities. If they perceive inequities to their advantage, they are described as 'overbenefited', and if they experience inequities to their disadvantage they are described as 'underbenefited'. The theory hypothesizes that when people are underbenefited they become distressed: the more inequitable the relationship, the greater the distress. Underbenefited people attempt to restore equity either by psychologically reframing the situation as being to their advantage; or by taking action to increase rewards and/or decrease costs. Differences between individuals may be accounted for in terms of their 'exchange orientation': some people are high in such orientation and constantly keep tabs on relationship equity; others are low in such orientation and not as preoccupied with relationship equity (Murnighan et al. 1977). Differences between people may also be accounted for in terms of whether they are concerned with not overbenefiting versus with not underbenefiting (Sprecher 1998). Equity theory also posits that society develops rules, or norms, that limit self-interest behaviour. These rules may be based on *proportionality*, that is, gains in proportion to input; *equality*, involving equal rewards regardless of contributions; and *need-based*, indicating that personal needs determine what individuals get.

In relation to the area of parenting post-separation, rewards and costs are not just financial: they can take the form, for example, of access to children or minimization/exacerbation of conflict. Underbenefited fathers can either try hard to

restore equity, renounce their child maintenance obligations, or even renounce their relationships with former families forever. Hans and Coleman (2009) used equity theory to make sense of how fathers handled competing commitments in regard to their financial self-interest and financial commitments to their former and new families. Although they noted that the theory is well-suited for understanding such financial competition issues, they found that identity conceptualizations were more salient than exchange principles. In their study, fathers who could be described as underbenefited in terms of equity across households, or in terms of paying more child maintenance than they should or continuing to pay when the level of access to children increased, justified their decision to pay the amount they were paying on the grounds of strong adherence to role of provider and the related need to protect their self-image and/or of their need to preserve harmonious relationships with ex-partners. Orientation to the provider role and to relationships therefore influenced these underbenefited fathers to override real or perceived injustices. The same conclusions had been reached in other studies (Bradshaw et al. 1999, Taylor 2004). This theory can therefore be critiqued in that it accords no importance to fathering norms or values.

Another critique of this theory is that it accords no direct importance to the agency of the justice system although it does refer to how fairness rules are shaped by society. In this regard, fathers may face difficulty navigating three different types of rules. In calculating the monthly maintenance sum, proportionality and needs-based rules can be said to apply. The sum is based on the payer's means and the payee's needs, which in turn is partly dependent on access times with both parents. The education, health, and extracurricular component of maintenance is, under Maltese law, based on the equality rule. Equality rules have become foregrounded during the Second Demographic Transition involving gender symmetry (Lesthaege 2014) in regard to employment, homekeeping, and childrearing.

2.5. Child Maintenance as a Relational Idiom

The four theoretical frameworks discussed above have similarities and differences but all share one common feature in terms of highlighting the power of child maintenance payment as a 'relational idiom', a term coined by Simpson (1997). In sum, they all explain how fathers' commitment to paying child maintenance is developed via the subjective meaning given by fathers to post-separation arrangements in relational

contexts involving fathers themselves, mothers, and third-party entities. An important construct in this regard is that of 'relational ethics', a concept originated by Boszormenyi-Nagy (1981). According to Hargrave et al. (1991), relational ethics deals with the subjective balance of trustworthiness, justice, loyalty, merit, and entitlement between ex-partners, and is based on the sense of justice demanding balance between what one is obligated to give and what one is entitled to receive in a relationship. Disputes over child maintenance payment, then, can be attributed to disputes over contested meanings arising from differing values, conflict, or contradictory understanding of relationship dynamics post-separation. All frameworks hence support the argument originally made by Finch (1989) that because people's constructions of 'rights', 'justice', and 'fairness' frame their understanding of the functioning of the law, policies may fail if they are out of line with what people perceive as fair. When policymakers attempt to impose what fathers perceive as unreasonable obligations, some will respond by developing avoidance strategies (Cheal 2002) and justifying their stance in the form of 'legitimate excuses' (Finch and Mason 1993), which as discussed in chapter 1, usually have as their basis 'atrocious stories' (Bradshaw et al. 1999) about mothers lacking parenting ability and sabotaging their role as fathers.

Nevertheless, there are also potential contradictions between the frameworks, firstly, in relation to whether both personal and structural relations are considered; and secondly, in relation to how fathers navigate the balance between what one is obligated to give and entitled to receive in a relationship. Of the four theoretical frameworks, only social negotiation theory accords focus to how the justice system as a social structure influences outcomes, via effects of choice of separation pathway, the workings of legal professionals, and the legislation or child maintenance regime itself. In this sense, it is the only theory to consider relational ethics in regard to both personal relationships and social structures. In relation to the balance between what one is obligated to give and what one is entitled to receive in a relationship, symbolic theory focuses heavily on loss of power and control arising as a result of transfer of child maintenance monies, whereas the theory of negotiated commitments and equity theory tend to be associated with balanced reciprocity or proportionality respectively. Neither of these theories explicitly accords focus to how norms influence acceptance or otherwise of losses or imbalance between giving and receiving. Social negotiation theory does not emphasize losses, nor does it emphasize a link between fathers' satisfaction with

parenting arrangements and a subjective sense of balance. It allows for different findings in this regard – fathers may be satisfied with balance; or they may accept imbalance on the basis of provider norms or of harmonious relationships; or their norms may influence them towards seeking egalitarianism rather than perceived balance between give and take. For these reasons, it can be argued, therefore, that the theory of social negotiation has an edge over other theories in accommodating a greater fit of findings.

2.6. Concluding Reflections

The last chapter discussed factors shaping fathers' compliance with child maintenance obligations. This chapter discussed how these findings are interpreted through various lenses of different theoretical frameworks, namely the theory of negotiated commitments, theories on the symbolic meanings of money, social negotiation theory, and equity theory. These theoretical frameworks were critiqued by means of a discussion on their strengths and limitations in accounting for fathers' decisions around child maintenance payment obligations. It was shown how, despite differences between these frameworks, there is an underlying commonality of a relational ethics perspective.

The findings discussed in the last chapter and the theoretical frameworks discussed in this chapter raise a number of research gaps in relation to this study. Temporally, most of the qualitative literature pre-dated the year 2010. Contextually, to the author's knowledge, there is no social scientific research published in the English language on factors shaping adherence to child maintenance in Southern European or Mediterranean countries, nor any on Malta specifically. There is therefore a need to explore and critically examine which factors account for adherence to child maintenance obligations in contemporary Malta. The last chapter showed how fathers' adherence to compliance is shaped by six main factors: their appraisal of financial circumstances, access to children, their appraisal of mothers' trusteeship of child maintenance monies, their views on co-parenting and on past relationship issues, and the fathering norms they espouse. These findings justify the choice of research questions for this study focusing on how fathers' attitudes and behaviours in relation to child maintenance compliance are affected by their appraisals of the justice system in Malta, by their financial circumstances, and by their views on parenting. It is equally important to test the applicability of each of the four theoretical frameworks to the

Maltese context. For this reason, all four theoretical frameworks will be mobilized in this study. Study findings will be embedded in the four theoretical frameworks discussed in order to elucidate to what extent each framework applies in the Maltese context. The next two chapters showcase idiosyncratic features of the Maltese context and of separation and divorce proceedings in Malta respectively. They provide a more nuanced understanding of the research gaps, underlying the scope of using Malta as a case study for research on fathers' stances towards child maintenance obligations.

CHAPTER 3: The Maltese Sociocultural Context

Malta, formally known as the Republic of Malta, comprises a group of islands in the middle of the Mediterranean Sea lying approximately 97 km (60 miles) south of Sicily, 323 km (200 miles) north of Tripoli in Libya and 278 km (185 miles) east of Tunisia (Castillo 2006). The three major and only habitable islands are Malta, Gozo, and Comino in order of size from largest to smallest. In total, the islands cover an area of just over 316 km² (Castillo 2006) and were home to an estimated population of 516,100 at the end of 2020 (National Statistics Office [NSO] 2021c). Malta² was ranked the eighth most densely populated country in the world in 2020 (World Bank 2021).

Malta's pivotal location in the heart of the Mediterranean rendered it a prized naval base and played a key role in attracting the many foreign rulers of the Maltese and thus in shaping Malta's rich and chequered past. Castillo (2006) wrote: "Rarely has knowledge of the terrain been so important to gaining insight into the history of a people and their role in world events." (p. 2). This is evidenced in two key sieges in world history: the 1565 Great Siege of Malta by the Ottoman Empire, and the Siege of Malta during the Second World War during which Malta braved out bombardment and hunger and for which it was awarded the George Cross by King George VI in 1942 (Castillo 2006).

Abela (2016) noted that the Second World War can be said to have marked a new beginning for Malta. Since the Second World War, Malta reached important milestones in its political development within a relatively short period of time. It gained independence from the UK in 1964 and became a Republic in 1974, remaining a member state of the Commonwealth of Nations till the present day. In 2003, the Maltese were called to the polls twice in five weeks: first to vote in a (consultative) referendum on EU membership and then to elect a new government (Fenech 2003). In the referendum, the Maltese voted (by 53.65% in favour to 46.35% against) to join the EU. Fenech (2003) stated that Malta was the only country of all the countries awaiting accession with opinion split down the middle along party lines, with the Nationalist Party fervently in favour of EU membership and the Labour Party just as fervently

² For the sake of convenience, from this point onwards, the Maltese islands will be referred to by their collective name of Malta.

against. A win for the Nationalist Party in the subsequent election upheld the result of the referendum and Malta joined the EU in 2004. Malta's membership of the EU has been perceived to accelerate the changes which were already taking place in the Maltese sociocultural context due largely to the processes of secularization and globalization (Abela 2016). These underpin the Second Demographic Transition in the Western world involving a multitude of societal changes including sustained sub-replacement fertility, several living arrangements alternative to marriage, delinking of procreation and marriage, and populations which are not stationary (Lesthaeghe 2014).

Malta can be said to have undergone the Second Demographic Transition to a large extent by virtue of notable changes in its sociocultural context which have occurred against a backdrop featuring a close-knit, homogenous society largely espousing Roman Catholic attitudes. The wider Maltese sociocultural context will be discussed first. Gender issues relating to equality and intimate partner violence will be discussed next before the focus shifts to changes in family life in terms of family formation and dissolution.

3.1. The Wider Sociocultural Context

In his discussion of the Second Demographic Transition, Lesthaeghe (2014) used the term 'depillarization' of society to describe a social context which is no longer as reverent to political and religious authorities as was the case in the past. van Dam (2015) has however criticized the term 'depillarization' on two main accounts, the first being that the entities belonging to the so-called pillarized society have not been annihilated as suggested by the term 'depillarization'. His second argument is that the label of a depillarized society incorrectly conjures up a picture of a unified and equal society which is far from being the case. As will be discussed below, social organization in Malta has changed but is still permeated by a relatively high degree of inequality. Furthermore, whereas the influence of the Roman Catholic Church has diminished, political parties have very much retained their powerful influence on life in Malta.

3.1.1. Social organization

The Maltese have always attached strong importance to family. In the European Values Survey of 2009, 93% of the Maltese placed the family as a top priority in their lives,

followed by work and religion (Abela 2016). Members of the extended family, particularly grandparents, have traditionally played a central part in Maltese family life, both as model and support (Abela 2013), including for single parents (Galea 2009). This has potential downsides, such as intrusion in couple dynamics which was reported by the National Centre for Family Research [NCFR] (2017). In regard to factors thought important for a successful marriage, *living apart from in-laws* featured in responses to the European Values Survey of 2009 (Abela 2013, 2016) indicating couples' increasing need for space and autonomy (Abela 2013) which is already jeopardized by high population density and the serious dearth of open spaces (Abela 2016). These geographic factors result in a face-to-face community featuring high visibility (Abela 2013). This was linked by scholars to the role of gossip as a means of social control in Malta (O'Reilly Mizzi 1981); to greater susceptibility to be influenced by others' behaviour (Abela 2013), which can have both positive and negative effects; and to clientelism and corruption (Veenendaal 2019).

Maltese society has also become morphed by the effects of globalization as discussed by Abela and Fenech (2011) and Abela (2013, 2016). This is especially true for the younger generation (Abela 2013). Internet and social media platforms have taken the island by storm. Internet usage in Malta was at par with the European average in 2019 (The Malta Independent 2020b) but as at January 2020, Malta was the European nation with the highest active social media penetration (Statista 2021). This can be linked to greater influence by media and advertising which according to Abela and Fenech (2011) have become more powerful than Catholic teachings on the value of sacrifice.

Consumerism has become pervasive (Abela 2016), with the Maltese increasingly opting for status-driven, leisurely lifestyles (Abela and Fenech 2011, Abela 2016). According to Eurostat data for 2019 which looked at expenditure by consumption purpose as cumulated percentage of gross domestic product, the Maltese were above the EU average in terms of expenditures on clothing and footwear; communications; recreation and culture; and restaurants and hotels, placing third highest in regard to the latter category (Eurostat 2021f).

In recent years, Maltese society has also become less homogeneous. The number of foreign nationals in the ten-year span between 2008-2018 grew five times (NSO 2019). The reported percentage of foreign nationals for 2018 was 16.8%. Over a nine-year

period, the number of intercultural marriages showed a tendency for annual increase, from 689 in 2008 to 1,014 in 2017 (The Malta Independent 2018c).

3.1.2. Religious attitudes

Malta has a Roman Catholic legacy dating back to 60 AD when St. Paul brought the faith to Malta after being shipwrecked (Libreria Editrice Vaticana 2002). The Constitution of Malta states that the religion of Malta is the Roman Catholic Apostolic Religion. It refers to the right of Roman Catholic Church authorities to teach what is right and wrong, as well as to provision of the teaching of the faith in State schools as part of compulsory education. Commitment to the doctrine and practices of the Roman Catholic Church had been considered strong on a comparative international level (Abela and Fenech 2011, Abela 2013) but has been waning over the years. A survey carried out by the Maltese newspaper *Malta Today* had the figure of respondents identifying as Roman Catholics at 93.9% although only 63.7% said they were practising Catholics (Sansone 2018). Roman Catholic Church census data for 2017 showed that only 36.1% attend Sunday mass, an obligatory practice for Roman Catholics (Discern 2018). Sharp contrast can be drawn with figures from previous figures of 50.6% in 2005, 64.3% in 1995, 72.7% in 1982 and 81.9% in 1967 (Discern 2018). This is concordant with the rise of a non-Christian Europe, in which the majority of young adults in 12 countries including formerly Roman Catholic countries such as France and Spain have no faith (Sherwood 2018).

Abela and Fenech (2011) argued that the Roman Catholic Church still yields considerable influence on Maltese family life, pointing to the fact that an overwhelming majority of parents, including those who are not practising Catholics, still pass on the faith to their children by allowing them to be taught religion in schools and taking them to catechism classes in the evening which are mandatory for children to partake in the sacramental rites of Eucharist and Confirmation. Galea (2009) hypothesized that around 30% of couples entering the sacrament of marriage were doing so without a faith basis. Abela and Fenech (2011) hypothesized that such dissonance could be due to the need to feel included in community life. This could be linked to a long history of religious and community life being intertwined, such that the Maltese tend to view Catholicism as part and parcel of social identity rather than a set of attitudes in its own right. An alternative hypothesis (the author's) is that familialistic culture, high visibility, and

gossip referred to earlier on could also conspire to fuel the need for nonbelievers to partake in religious events or rituals to appease their family and look good in the eyes of the community.

Malta has therefore witnessed a decline in religious beliefs, but not in the social significance of religion. There is a research gap in international literature on whether religion influences fathers' stances towards child maintenance obligations. Research showed that religious beliefs were associated with more involved fathering (King 2003, Lynn et al. 2016), so there is reason to hypothesize that fathers' religious beliefs may influence them to have more positive attitudes towards child compliance. This, together with the importance of religion as a cultural element in Malta, justifies the research question of this study focusing on whether religious attitudes influence fathers' stances towards child maintenance obligations.

3.1.3. Political context

An understanding of the political context in Malta is best gained by first discussing the concept of clientelism which according to Gal (2010) may entail personal relationships between politicians and individuals seeking favours but can also take the form of relationships between groups including political elites. Veenendaal (2019) linked clientelism in Malta to its small size, which he argued provides: face-to-face contacts and enactment of multiple social roles between citizens and politicians; enhanced opportunities to monitor clientelistic exchanges; increased significance of individual votes; and a lack of brokerage, resulting in direct, reciprocal relationships between patrons and clients and hence a stronger position of clients vis-à-vis patrons.

Veenendaal (2019) also showed how clientelism was related to: high voter turnout; polarization; executive dominance; and corruption. In terms of polarization, the deeply divisive political campaign around the issue of EU membership referred to earlier on was not an exception in Maltese politics. Since the early 1970's, Malta has had a two-party political system in which minority parties have little opportunity to exert influence: the two main political parties, the Nationalist Party and the Labour Party, have won all Parliamentary seats in general and European elections and the overwhelming majority of local council seats between them. Baldacchino (2002) described them as "... 'catch-all' parties, which deploy both conventional and modern

techniques for both the mass and customised socialisation of citizens into loyal and unswerving party faithful” (p. 197) resulting in “frenzied partisanship” (p. 199). Politics in Malta have been characterized by bitter conflicts between the two main parties and marred by violence including political murders. Tension has abated considerably but hostility has remained: Fenech (2003) described it as having become “endemic” (p. 165) in the run-up to the EU referendum. Clientelism is also linked to executive dominance, which includes State control of a large segment of the job market and appointments to high office (Veenendaal 2019). Given that government is responsible for appointments to high office including the judiciary, contrary to the recommendations of the Commission for Holistic Reform in the Field of Justice [CHRJ] (2013), separation of powers is weak, resulting in a poor system of checks and balances.

The link between clientelism and corruption can be accounted for via various mechanisms: executive dominance; the relative weakness of the media and other watchdog institutions; close connections between politicians and business elites, increasing the possibility of favouritism in matters like public tenders or procurement; the fact that many Maltese politicians are also themselves business owners; and the reticence of citizens to hold politicians accountable given favours received (Veenendaal 2019).

This political context helps explain the low confidence the Maltese have in the establishment. According to a Eurobarometer survey held by the European Commission (2021), the Maltese expressed a low rating of trust in political parties (25%) and in the justice system (35%). Transparency International, which assesses the perceived level of public sector corruption on a score from 0 (highly corrupt) to 100 (very clean), gave Malta a score of 53, down by 4 points since 2012, and ranked it 52nd amongst 180 countries for transparency in 2020 (Transparency International 2020). In 2004, Malta had ranked in 25th place (Transparency International 2020).

There are two main implications of Malta’s political context for this study. The first is that the weak separation of powers and the lack of trust the Maltese hold towards the judiciary may be linked to even lower appraisal of procedural justice and acceptance of judicial decisions amongst separating/divorce parents in Malta than is the case internationally, which can have negative implications for child maintenance compliance. A lack of trust in the justice system was evidenced in the author’s earlier study (Casha

2014) in which both mothers and fathers appraised the justice system negatively. The second is that although Governments are always vested with power to push through legislative changes, weak separation of powers and the quasi-complete power of the two parties generally and the party in government more specifically in Malta means that family law and the child maintenance regime may be more susceptible to changes being influenced largely by lobbyists or by pressure from the voting public rather than being more heavily based on input from the justice system and on evidence-based research.

3.1.4. The social welfare system

The strong sense of rootedness in family life prevalent in Maltese society can be linked to the existence of a familialistic social welfare system in Malta. The term *familism* is sometimes used alternatively. León and Migliavacca (2013, p. 25) state that:

“Although it is not possible to find a unified criteria which defines and specifies what is meant by ‘familism’ as a feature of a given welfare state model, generally speaking the term refers to the key role that the family plays in the overarching architecture of the welfare system, acting as the main provider of care and welfare for children and dependent individuals.”

Familialism, which is typical of southern European countries, is associated with traditional gender division of labour and a strong male breadwinner ideology (León and Migliavacca 2013).

Gal (2010) typified Malta as belonging to an extended family of Mediterranean welfare states. Three overarching themes characterize these welfare systems: religion, family, and clientelism-particularism. According to Gal (2010), religion in such countries can exert an impact via public attitudes, due to the impact of elite interaction, or due to the activities of religious social welfare organisations. In Malta, the Roman Catholic Church has played a very powerful role in the provision of social welfare services (Abela and Fenech 2011). These include out-of-home care, and services delivered by *Caritas*, a church organization catering for social problems including poverty and substance abuse addiction. Falzon (2007) argued that despite increasing power of the State over private and family matters in Malta, current welfare models and practices in Malta are still underpinned by a Church-State symbiosis. However, Gal (2010) discussed how the influence of religion can also result in a backlash by way of the formulation of policy as a

reaction against religion supported by anti-religious social groups. This has been experienced in Malta in the last decade as evidenced by the formulation of liberal and progressive legislation.

The second feature, the centrality of the family, and the strong sense of solidarity, lessens the pressure upon states, and hence limits or deflects State spending on services and benefits aimed at catering to diverse needs (Gal 2010). Care work remains a family responsibility, and there is a low level of state support for families (León and Migliavacca 2013).

The third feature, clientelism, affects the welfare system by underpinning public expenditure decisions in Malta (Mullard and Pirotta 2008), and also by the practice of asking for political favours (Briguglio and Bugeja 2011, Veenendaal 2019) including obtaining access to certain forms of welfare. This can include securing access to places in homes for the elderly or jumping waiting lists for public health services, although the latter could alternatively result following visits to healthcare professionals in private practice (Briguglio and Bugeja 2011).

A very important feature relating to the welfare system in Malta which has ramifications for child maintenance payment in Malta is that, although Malta has free education and health care systems (Briguglio and Bugeja 2011), disillusionment with the quality of public sector provision often leads residents to prefer private services. Thus, parents prefer to send their children to church/private schools rather than government schools; and people prefer to see health care professionals at their private practice against payment in order to ascertain continuity, in contrast to the impersonal settings of public sector health services (Mullard and Pirotta 2008).

This section has looked at the broad societal context in Malta, including its social welfare system. The next section will examine the key features of family life structure and functioning in contemporary Malta.

3.2. Changes in Family Life in Malta

This section will start by reviewing major changes in gender roles that have taken place in Malta with increased female participation in tertiary education and in the labour market. It will then discuss the incidence of intimate partner violence in Malta. Next, a

discussion will ensue on changing family structures in terms of couple formation, child rearing, and couple dissolution.

3.2.1. Gender roles and gender equality

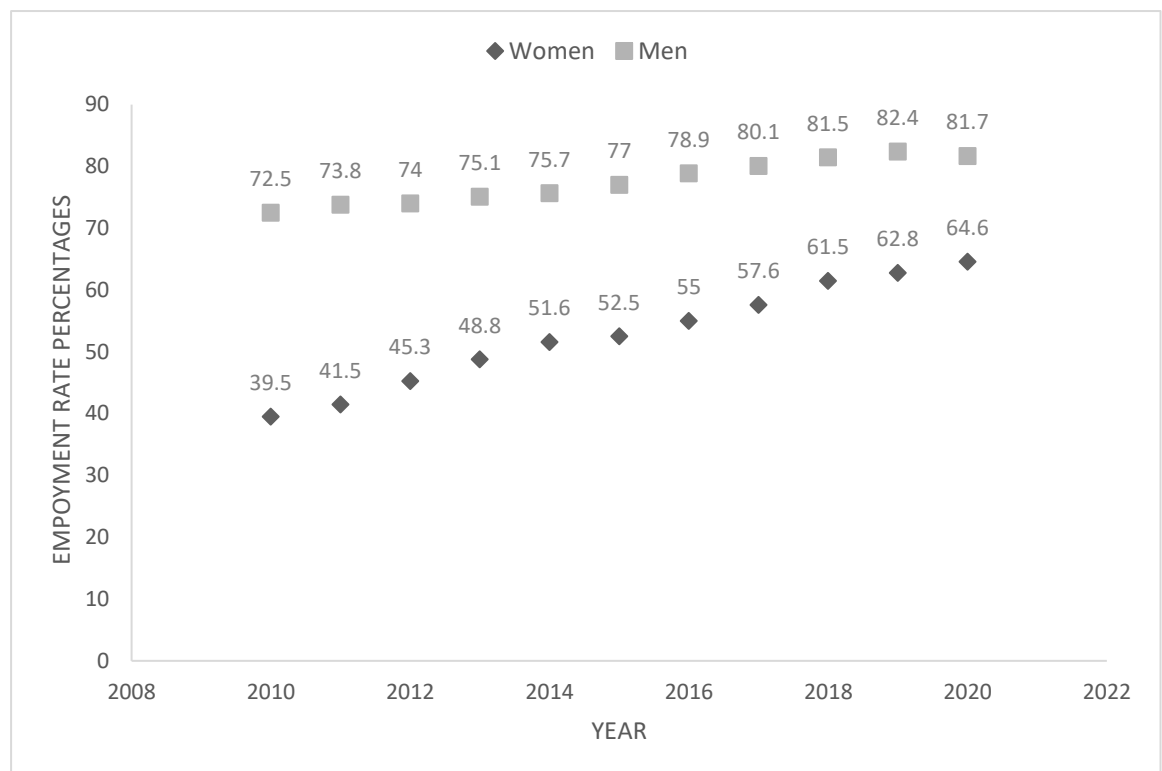
As shown in chapter 1, compliance is linked to gender roles in two different and not necessarily contradictory ways. On the one hand compliance is linked to a greater acceptance of the provider role; on the other, it is linked to a more egalitarian attitude in the form of acceptance of the needs of lone-mother households, and of less need to exert control over the lone mother's expenditure. It is therefore critical to examine how compliance may be shaped by a changing gender equality context in Malta.

The past few decades have witnessed remarkable changes in family life in Europe (Oláh 2015) including in Malta (Abela 2016), underpinned by greater symmetry in gender roles which is a feature of the Second Demographic Transition (Lesthaeghe 2014). In the last decade, Malta has improved its gender parity scores from a score of 54.4 in the 2013 edition of the European Institute for Gender Equality [EIGE] gender equality index to a score of 65 (below the EU average at 68) for the 2021 edition (EIGE 2021a). There has been Government commitment to progress towards gender equality and empowerment of women in the form of legislative and policy measures on numerous fronts (Government of Malta 2019). In terms of the power index for equal representation of men and women in political, economic, and social spheres, Malta lags behind the EU average, scoring 37.5 as opposed to the EU average of 55 (EIGE 2021a).

Evidence of evolution in gender roles in Malta can be gleaned at the microsystemic level in terms of the rise in tertiary education and employment amongst Maltese women. Although the level of early school leavers in Malta is the highest in the EU at 16.7 % (Eurostat 2021a), enrolment in tertiary education is on the increase. Tertiary education amongst Maltese women aged 15-64 rose from 14.7% in 2010, to 30% (as compared to the EU average of 31.4%) in 2020 (Eurostat 2021b). The increase in tertiary education amongst Maltese men during the same period was lower, having increased from 13.6% in 2010 to 26.4% (as compared to the EU average of 26.5%) in 2020 (Eurostat 2021b), resulting in a lack of parity between genders. This is likely to remain so given the recent trend for female students to outnumber male students at every level in the education system in Malta (Bonnici 2019).

The Maltese economy can be described as resilient and thriving. Malta has been described as enjoying a relatively high rate of economic growth, with economic outturn remaining relatively resilient in the aftermath of the great global economic recession which occurred in the first decade of this century (Grech et al. 2016). In recent decades Malta's gross domestic product has steadily increased and converged towards those of EU countries with advanced economies (Grech et al. 2016). In terms of gross value added the economy grew by 69% between 1995 and 2004, and expanded by 66% in the following decade (Grech et al. 2016). Following entry into the EU, Malta registered a surge in the services sector. Such services include tourism, education, health, retail, banking, maritime activity, professional services, back-office administration, information technology and IT (Grech et al. 2016). Two important factors that boosted market resilience were the influx of migrant workers and measures to encourage women to join the labour market: such measures included back-to-work fiscal incentives for women, new income tax computations, an increase in maternity and adoption leave, tax credits for self-employed, exemptions of means-testing for income earned by women working part-time, and free childcare (Grech et al. 2016). Malta has witnessed an increase in the female employment rate (Abela et al. 2012, Abela 2016, Grech et al. 2016) including for women in younger and childrearing age brackets (Abela et al. 2012). This is shown graphically in Figure 1 depicting the employment rates for women and men in Malta aged 15-64, between 2010 and 2020.

FIGURE 1 Employment rates (in percentages) 2010-2020 for men and women aged 15-64 in Malta



The figure is based on Eurostat data (Eurostat 2021c) and shows that the employment rate for men increased by nine percentage points from 72.5% in 2010 to 81.7% in 2020, with Malta ranked third highest for the latter year amongst the list of countries for which data was reported. The employment rate for women increased to a far larger extent: by 25 percentage points from 39.5% in 2010 to 64.6% in 2020, with Malta ranked in 17th place, above the EU average of 62.7%. Abela (2016) attributed this change to the higher female participation rate in tertiary education coupled with families’ need to keep up with an increasingly high standard of living.

The average full-time adjusted salary per employee for Malta for 2021 was lower than the EU average by 6,177 Euros, standing at €27,334 as compared to the EU-27 average of €33,511 (Eurostat 2022). The average monthly basic salary of males in Malta for the fourth quarter of 2021 was estimated at €1,700 and that of females at €1,506 (NSO 2022). There is no corresponding Eurostat data. The unadjusted gender pay gap, defined as the difference between the average gross hourly earnings of men and women expressed as a percentage of the average gross hourly earnings of men, stood at 11.6% in Malta during 2019 (Eurostat 2021e). Compared to other countries for which data was reported, Malta had the 12th lowest unadjusted gender pay gap, lower than

the EU average of 14.1% (Eurostat 2021e). However, the gender overall earnings gap is far higher. The gender overall earnings gap measures the impact on the average earnings of all women of working age made by the following three factors: average hourly earnings; the monthly average of the number of hours paid before any adjustment for part-time work; and employment rate (Eurostat 2021e). The gender overall earnings gap in Malta for 2018 stood at 39.4%, with Malta ranking seventh-highest amongst countries for which data was reported (Eurostat 2021e).

The increase in female labour participation in the workforce raises important questions about how Maltese couples share housework and childcare tasks. Research on the extent to which men have taken on caring responsibilities in Malta is scant (Abela 2016). The duration of paternity leave in Malta is ten days (Department of Industrial Relations 2022), having been increased from two days in August 2022 (Calleja 2022). Maternity leave in Malta is 18 weeks long (Department of Industrial Relations 2022) but still less than the average duration of maternity leave in the EU reported to be of 24.7 weeks by the Institute of Family Policy in 2018. It is important to note, however, that as discussed by Canaan et al. (2022) in their literature review on the impact of paternity and maternity leave in high-income countries, maternity leave that is longer than six months might have negative effects on labour and wages, in part due to employers' negative perceptions of mothers' commitment to employment.

Attitudes towards formal childcare are becoming more positive (Abela 2016). Reticence to make use of formal childcare was evidenced in a quantitative study by the National Commission for the Promotion of Equality (2012) involving economically inactive women and was attributed by the Commission to strong traditional gender role values. However, there has been an attitude change, possibly helped by free childcare being offered since 2014 to parents in the labour market. NSO (2017) reported that the number of children attending formal childcare during the 2016-2017 academic year stood at 4,037 of which 3,195 (79%) were enrolled in the free childcare scheme. A positive point to note is that Van Lancker (2017) reported that Malta is one of only three countries in which uptake of formal childcare is marked by more social equality, as opposed to other European countries in which formal childcare services are more likely to be utilized by socially advantaged parents.

The increase in female employment and provision of free childcare are markers of a move away from familialism. However, gender role disparities still exist according to data on the 'time domain' of gender equality reported by EIGE (2021a). In terms of people doing cooking or housework every day, the percentages for Maltese men and women were 37% and 81% respectively, whereas the percentages for EU men and women were 32% and 78% respectively (EIGE 2021a). The percentage of Maltese men caring for and educating children, grandchildren, elderly, or people with disabilities on a daily basis was 25%, at par with the 25% score for EU men. For women, the Maltese and EU percentages are 42% and 37% respectively (EIGE 2021a). These gender role disparities are also mirrored in data regarding social activities. EIGE (2021a) reported that the percentage of Maltese and EU male workers engaging in sporting, cultural, or leisure activities outside of their home, at least daily or several times a week, was 26% and 31% respectively, whereas the percentages for Maltese and EU female workers were 25% and 27% respectively.

Progress in gender role equality is however also contingent on attitudes to gender roles held by both sexes. In this regard, an important factor is the impact of gender-based intimate partner violence in Malta. Between 2014 and 2018 there were 10 female victims of homicide, of whom 60% were victims of intimate partner femicide (EIGE 2021b). Unfortunately, there is no extant data on the prevalence of violence against men in Malta. Zammit (2022) reported that domestic violence reports received by police doubled from 851 in 2011 to 1,745 in 2021. In terms of usage of services catering for families afflicted by domestic violence, NSO (2021a) reported that, when compared to 2016, the number of persons in 2019 who used services offered to those experiencing domestic violence increased by 41.2%, from 1,816 to 2,565 users. Of the 2,565 users, 2,057 were women and 508 were men. A specialized domestic violence unit was set up within the ranks of the Malta Police Force in 2020 (Attard 2020).

3.2.2. Family formation and dissolution

The predominance of marriage as a partnership form in Europe has weakened considerably since the 1960s (Oláh 2015). Alternative partnership forms together with the delinking of partnership from parenting are characteristic of the Second Demographic Transition as discussed by Lesthaeghe (2014). Although belief in the ideal

of marriage is still strong in Malta, births outside marriage, cohabitation, and same-sex partnerships are increasingly taking hold (Abela 2016).

3.2.2.1. Fertility

The total fertility rate in Malta fell drastically between 1990 and 2019 from 2.04 to 1.14 which is currently the lowest amongst EU-27 countries (Eurostat 2021d). Furthermore, the mean age at childbirth has risen from 27.4 in 2010 to 29 in 2019, with the EU-27 average being 29.4 (Eurostat 2021d). The decline in fertility rates and increase in age at childbearing have both featured in the wider European context. Tanturri et al. (2015) discussed the various theories accounting for postponed and low fertility. These include amongst others the Second Demographic Transition theory which attributes postponed parenthood and low fertility to personal preferences and a focus on self-individualization; economic theories which focus on the costs and benefits of having children; and greater gender equity at work which has not been matched by greater gender equity at home. During the past decade, around 4,000 babies have been born annually in Malta (NSO 2021c). In 1990, just 1.8% of babies were born outside marriage (Abela 2016); by 2016, the percentage was 31.8% (Eurostat 2018). Having children outside marriage in Malta has consequently become more normative and less stigmatized (Abela 2013).

3.2.2.2. Cohabitation

Data on cohabitation as a living arrangement in Malta is scant. According to 2011 census data (NSO 2014) just 3.5% of households were formed of consensual union couple families, suggesting a low incidence of cohabitation. The majority of these 4,143 households were formed by opposite-sex couples (95.94%). In regard to children, most of these families (59.18%) did not have resident children; of the remainder, 39.32% had at least one resident child under the age of 25. The percentage of cohabitating unions could have been underreported to NSO staff due to social desirability or due to a fear of being reported to government officials in the case of couples who were in receipt of social welfare benefits without having declared their cohabiting status. Later data came from a survey with a nationally representative sample conducted by NCFR (2016). The Centre found that cohabitation was more

widespread than expected, being reported among 40% of the divorced, 33.3% of the separated, 23.6% of single persons, and 18.5% of the widowed.

A Cohabitation Act was introduced in 2017 (Chapter 571 of the Laws of Malta) which aimed to protect cohabiting couples by legally recognising their rights and duties (Ministry for Social Dialogue, Consumer Affairs, and Civil Liberties n.d.). This was repealed in June 2020 and replaced by a new Cohabitation Act (Chapter 614 of the Laws of Malta). The different types of cohabitation unions provided for at law, and cohabitees' rights applicable to each type, are covered in Chapters 571 and 614 of the Laws of Malta. For the purposes of this thesis, it is important to note that proceedings for cohabiting couples are the same, *mutatis mutandis*, as those of married couples.

3.2.2.3. Marriage and civil unions

As at November 2021, the latest statistics regarding mean age at first marriage provided by Eurostat were for the year 2011 (Eurostat 2021g). In Malta, the mean age at first marriage increased between 1990 and 2011 from 27.2 to 31.6 for men; and from 24.6 to 29.2 for women. This increase in age at first marriage can be attributed to changes in gender roles such the increase in women's participation in tertiary education and in the workforce. It can also be attributed to Maltese couples' lifestyle decisions which call for a degree of financial stability before tying the knot. Maltese weddings are expensive: according to Abela (2016), the cost of a Maltese wedding easily reaches the sum of €30,000. Buying or renting a home can also incur hefty costs, albeit this can also apply to cohabiting couples and to singles. The housing sector in Malta has undergone progressive liberalization (Briguglio and Bugeja 2011). A survey carried out on behalf of a Maltese real estate agency (Times of Malta 2014) found that 93.2% of the Maltese population believe that owning a home is either 'very important' or 'important', seeing it as an investment that provides security and is more cost-effective than renting in the long run. The increase in both property and rental prices in Malta, occurring in the context of a construction boom, has resulted in challenges related to housing affordability (The Malta Independent 2018a, b; Galea 2019). Homebuyers can avail themselves of schemes offered by the Housing Authority in Malta (Housing Authority 2016), and, more recently, affordable housing schemes for families who may be priced out of the market but do not qualify for social housing (Agius 2020a, Balzan 2022).

During the last few years, the waiting list for social housing stood at thousands, although it is on a downward spiral (The Malta Independent 2021).

Malta's crude marriage rate stood at 5.3 in 2019, higher than the EU-27 average at 4.3, placing seventh-highest amongst EU-27 countries (Eurostat 2021g). Earlier data showed that Malta's rate had been third-highest in Europe with a crude marriage rate of 7 (Institute for Family Policies 2018). The number of civil marriages in Malta increased from 509 in 2000 (NSO 2016) to 1,423 in 2018 (Malta Today 2019). To some extent this is concordant with the decline in religiosity and hence in the number of marriages in church. However, civil marriages include same-sex marriages, second marriages, and marriages between foreign nationals, and the number of civil marriages involving at least one Maltese party in 2018 stood at 573 (Malta Today 2019). Of the total number of marriages involving Maltese individuals in 2018, 66% still opted for a church marriage (Malta Today 2019). Abela (2016) had stated that the high crude marriage rate may be partially explained by wedding tourism: so too, can the number of civil marriages.

Camarero (2014)'s paper, comparing models of marriage in European countries based on the European Values Survey of 2008, attests to the conservative views of the Maltese around marriage. Malta topped the list of supporters of lifelong marriage, with 79% expressing support for the alliance model of marriage, the most conservative of three models of marriage. Supporters of the alliance model do not view marriage as outdated. For them, divorce is rarely justified, and adultery is never justified. The two other models in Camarero (2014)'s typology of marriages are fusion and association marriages. Supporters of the former perceive faithfulness as very important for the success of a marriage. They justify divorce when the marriage cannot work out, although they do not entertain the possibility of a termination of marriage for no reason. The most liberal model of marriage is the association marriage. Supporters of this model believe that marriage is an outdated institution. They do not attribute great importance to faithfulness and see no barriers to divorce. Percentages of support in Malta for both fusion marriage (18%) and association marriage (3%) were the lowest among the European countries in Camarero (2014)'s study. The highest support for fusion marriage was recorded in Denmark (51%) and that for association marriage in Finland (34%).

The Civil Unions Act was introduced in April 2014 (Chapter 530 of the Laws of Malta) and gave same-sex couples the right to enter into a civil union which is on a legal par with marriage and includes the right of joint adoption. The introduction of same-sex marriage followed soon, in September 2017 (Act No. XXIII of 2017). There were 7 same-sex marriages in 2017; 63 in 2018; and 78 in 2019 (The Malta Independent 2020a).

3.2.2.4. Divorce legislation

Malta was the last country in Europe to introduce divorce legislation (Abela 2013), doing so only in 2011. Until then, marriage dissolution for the Maltese was only possible if they obtained a divorce from abroad and subsequently had it recognized in Malta (Abela 2013). This procedure involved setting domicile abroad (Abela 2013) and was therefore only an option for those who had the means to do so. Alternatively, parties to the marriage could apply to either the Civil Court or to an ecclesiastical tribunal for nullity of marriage (Abela 2013).

The reticence to introduce divorce can be attributed to two main factors. One is the possible influence of the Roman Catholic Church: as Kim (2011) pointed out, divorce may be psychologically costly to Roman Catholics given that the Catholic Church preaches against divorce, sanctions only church marriages, and does not remarry divorcees. Maltese policymakers may not have wanted to risk straining the relationship between the Church and the State discussed earlier. The other is that the relatively low rate of marital separations meant that the introduction of divorce legislation remained a minority issue (Abela 2013). The introduction of divorce legislation in Malta was both unforeseen and unexpected. In 2010, a government backbencher, Hon. Pullicino Orlando, submitted a Private Member's Bill to introduce divorce legislation. The then Prime Minister, Hon. Gonzi, was personally against the introduction of divorce legislation, in line with the position of the party he led, of which the Hon. Pullicino Orlando also formed part, and decided to put the issue to a referendum. The referendum was held in May 2011, with both Maltese and English versions of the question featuring on the ballot. Voters were asked the question:

“Do you agree with the introduction of the option of divorce in the case of a married couple who has been separated or has been living apart for at least four (4) years, and where there is no reasonable hope for reconciliation between the

spouses, whilst adequate maintenance is guaranteed and the children are protected?”

As can be inferred from the text of the question, the legislation was conservative. It was modelled on divorce legislation in Ireland for two main reasons, one being the sociological similarity between the two countries in terms of historical and religious backgrounds, and the other being the need for clearly-sourced legislation that would be well-equipped for interpretation by local courts (Thake 2013). In the divorce referendum, the Maltese voted (52.67% to 46.4%) in favour of divorce (Thake 2013).

Although the referendum was consultative and non-binding, Parliamentarians decided to uphold the voters' decision and approved the law in July 2011. Divorce legislation came into effect on 1 October 2011. Two important points to note about divorce in Malta are that it is a no-fault divorce, and that maintenance must be paid, including in cases where adult children are disabled or still engaged in full-time education (Thake 2013). In 2021, the law changed in terms of the time required for the parties to have lived apart prior to divorce being granted. In cases where the demand is made jointly by the two parties, the parties have to have lived apart for a period of, or periods that amount to, six months out of the preceding year; and in cases where the demand is made by one party against the other, the parties have to have lived apart for a period of, or periods that amount to, at least one year out of the preceding two years (article 66B(a) of the Civil Code).

3.2.2.5. Marriage, separation, and divorce rates

The total number of marriages in Malta which includes remarriages as from 2011, and same-sex marriages as from 2017, is shown in Figure 2. Data for marriages between 2011 and 2019 was obtained from the Eurostat (2021g) database. The data for 2020 was obtained directly from NSO (personal communication, 31 Dec. 2021). The mean number of marriages for the years 2011-2019 stood at 2932 per year, but marriages plummeted to 1082 in 2020.

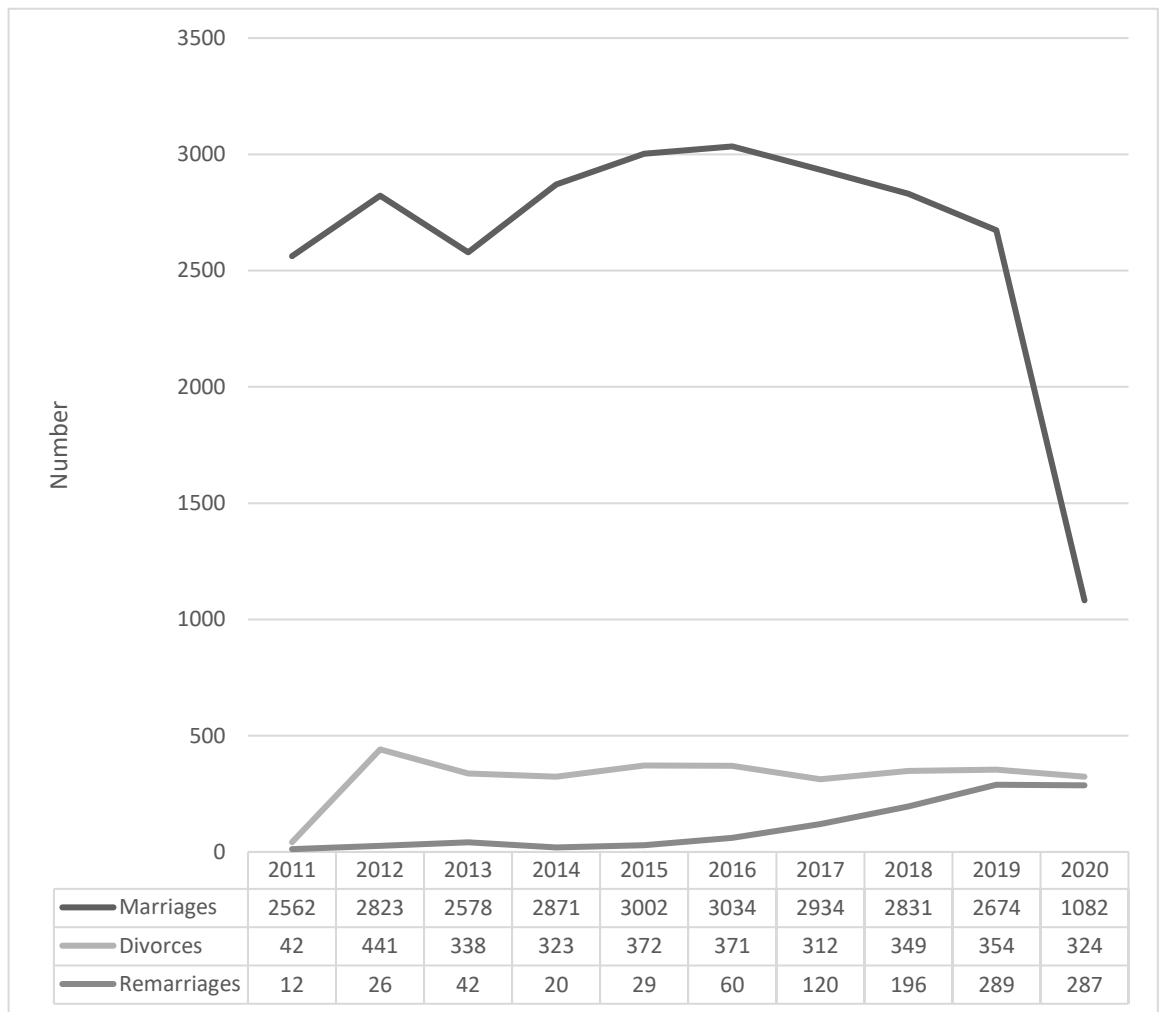
In terms of separations, Abela (2016) noted that marital separations have always been relatively low in Malta. This could have been attributed to Church teachings on marriage, and/or to the fact that, as reported by Abela (2014) marital satisfaction in Malta is high and most Maltese couples adopt a mutually constructive conflict style.

Taken together, these factors could be linked to Maltese support for an alliance model of marriage as discussed earlier, in which divorce is rarely justified. Data reported by Eurostat (2021g) show that Malta's crude divorce rate for 2019 is the lowest in Europe at 0.7 compared to the EU-27 rate at 1.8. The number of divorces obtained in Malta between 2011 and 2019 are shown in Figure 2 and were obtained from Eurostat (2021g). Data for 2020 was obtained directly from NSO (personal communication, 24 Jan. 2022). The mean number of divorces for years between 2012 (the year following the introduction of divorce) and 2021 is 354. It remains to be seen the divorce rate will be affected by the 2021 legislation which drastically shortened the time needed to obtain a divorce.

Abela et al. (2015) reported that in a survey carried out prior to the divorce referendum in Malta, 67.4% of Maltese respondents had said that they would not remarry were divorce to be introduced in Malta. The authors linked this to low separation, divorce, and remarriage rates in Malta; and argued that when considering this finding in the light of the divorce referendum in which most Maltese voted in favour of divorce legislation, the Maltese could possibly have voted for divorce out of deference to minority rights. Abela et al. (2015) also argued that low remarriage rates could have been affected by conservative divorce legislation in Malta (which as discussed earlier, was changed in 2021). The number of remarriages, defined as the number of marriages in which either one or both parties were divorcees prior to the marriage, is shown in Figure 2 and was provided to the author following her request by Identity Malta Agency (Borg³, personal communication, 31 Jan. 2022). It includes same-sex remarriages and remarriages of foreigners who opt to marry in Malta. The data shows that although the number of remarriages was comparatively low until 2016, it has tended to rise in the years that follow.

³ Ms. Lizienn Borg, Public Registry Unit Coordinator at Identity Malta Agency

FIGURE 2 Number of marriages and divorces in Malta for 2011-2021



The next section explores the issue of child maintenance obligations as a social policy issue in Malta.

3.3. Child Maintenance as a Social Policy Issue in Malta

Changes in family structure in Malta have resulted in lone parenthood becoming increasingly normal, as discussed by Abela (2016). Data tabled in the Parliament of Malta in 2017 showed that in Malta there were 9,536 lone mothers responsible for 13,635 children and 2,936 lone fathers responsible for 4,173 children (Times of Malta 2017). NSO (2021b) reported that for the year 2020, 49.7% of persons from households headed by lone parents were estimated to be at risk of poverty or social exclusion. Nieuwenhuis (2020) reported that Malta had the highest rate of in-work poverty amongst lone parents in Europe.

There is precious little data on child maintenance in Malta: data such as the number of lone parents in receipt of child maintenance, amounts of child maintenance payments, or child maintenance compliance is not available. There is, however, partial information from two sets of data that shed light on child maintenance nonpayment. One set of data relates to the number of charges issued by the Malta Police Force following reports of nonpayment made by child maintenance recipients, and the other relates to court cases involving nonpayment. The term 'nonpayment' rather than 'noncompliance' has been used because these sets of data do not in any way shed light on compliance rates or type: for instance, they do not give any information on what percentage of those who were obliged to pay child maintenance did in fact pay, the degree to which payments were made, the consistency or regularity of payments, and the length of missed periods of payments. In addition, as will be explained in chapter 4, child maintenance in Malta can be said to consist of two components, namely a percentage of income paid on a monthly basis, and payment for half the costs of education and health. Payers can honour one, both, or none of these two forms of child maintenance obligation. The term 'nonpayment' does not give us any information on which of these forms of child maintenance obligation are not being honoured. It does however indicate that there has been some kind of breach of child maintenance obligations and/or spousal maintenance as these are not disaggregated for every year. These sets of data are presented in Table 1.

TABLE 1 Data reflective of child maintenance nonpayment in Malta

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Number of charges relating to maintenance nonpayment issued by Malta Police Force against...	1277 men	578 men	1357 people	621 people	788 people	811 people	634 people	444 people	700 people	984 people
Number of court cases involving child/spousal maintenance nonpayment	601	723	589	698	464	-	-	-	-	-
Number of prison sentences relating to maintenance nonpayment	66	79	62	77	58	-	-	-	-	-

The header row shows the years for which the data is available, namely 2012-2020. The first row shows the number of charges relating to maintenance nonpayment filed at police stations. This data was provided to the author by the Community and Media Relations Unit of the Malta Police Force following requests on her part. An important point to note is that whereas the data given for the years 2012 and 2013 is specific to charges relating to nonpayment of child maintenance brought against men, data given for subsequent years is not: it does not specify whether the maintenance is for partner, children or both; nor does it specify the gender of the person charged.

The second and third rows of the table show data presented by the Hon. Minister Bonnici – then Minister for Justice, Culture, and Local Government – in response to a parliamentary question (The Malta Independent 2016). These data only cover the period 2012 - May 2016. The third row shows the number of court cases involving nonpayment of child/spousal maintenance, whereas the fourth shows the number of prison sentences handed down.

These figures must be interpreted with caution given that, as argued by Maltese advocate Tanti Dougall (personal communication cited in Casha 2014) cases may be resolved in a number of ways. Examples include cases being settled following intervention by police staff; cases being withdrawn before the first court date; and cases in which the person charged wins the court case for factual or legal reasons, or is found guilty at first instance, but appeals and settles payments before the first Court of Criminal Appeal hearing, or wins the appeal. Nevertheless, the figures indicate that a substantial number of Maltese families experience difficulties, at least temporarily, relating to nonpayment of maintenance, including of child maintenance, and justify the need to explore adherence to child maintenance obligations from a qualitative research perspective.

3.4. Concluding Reflections

This chapter has showcased Malta as a familialistic culture involving a blend of religious values in the background alongside emergent liberal values in the foreground. The past few years have been marked by seismic changes in legislation governing family life including the introduction of legislation governing divorce, cohabitation, civil unions, and same-sex marriage; and in family life itself: gender equality has increased,

particularly in terms of more women furthering their education and entering the labour market, and family structures have changed, mainly due to an increase in the number of births outside marriage and to the introduction of divorce. Nevertheless, as has been shown, Malta still lags behind other European countries in gender equality and gender inequalities are still in evidence on both a micro- and macro-systemic level. This renders contemporary Malta an interesting context for examining how diverse factors and theoretical frameworks are linked to child maintenance. It also justifies a research question exploring whether religion shapes compliance to child maintenance obligations.

Changing forms of family life also raise important implications for child maintenance obligations. As will be explained in chapter 4, child maintenance obligation enforcement goals can be said to be embedded in civil and criminal legislation, including in the form of being a pre-requisite for obtaining divorce. This makes it incumbent upon policymakers to explore factors related to compliance. Separation proceedings for married and cohabiting couples are the same, *mutatis mutandis*. But the dynamic and shifting nature of family forms can be linked to a reappraisal of gender roles for both parents. Hans and Coleman (2009) had suggested that future studies seek an insider's perspective from those who do not comply with obligations in regard to their provider and father identities. It is not known how fathers' appraisal of gender roles is affecting child maintenance compliance in Malta, for example, in terms of how fathers view their child maintenance obligations in the light of mothers' employment; in the light of the ways they choose to navigate traditional norms involving material provision with newer fathering norms involving presence in children's lives and emotional closeness to children; and in the light of their perceptions of co-parenting. This provides a basis for the research question on how fathers view parenting norms and co-parenting. The next chapter will discuss the separation and divorce pathways in Malta in terms of legislation and proceedings.

CHAPTER 4: An Overview of Separation and Divorce Legislation and Proceedings in Malta

This chapter gives a general overview of separation and divorce legislation and proceedings in Malta as at November 2021. It does not purport to summarize all aspects of such legislation and proceedings but aims instead to present the most pertinent aspects relating to this study. The chapter starts by presenting an overview of the court system in Malta. This will be followed by a section on separation and divorce proceedings. Finally, pertinent legislation relating to maintenance and child custody and access will be discussed. This chapter is the original work of the author and was reviewed by advocate Dr. Robert Thake, an academic and expert in the field of family law in Malta.

4.1. The Family Section of the Civil Court and the Family Division of the Criminal Court

In 2003, the Civil Court was split into three sections, one being the Family Section of the Civil Court, more commonly known as the Family Court. The Family Court is vested with the power to hear cases concerning matters related to: the Marriage Act including annulment of marriage; the rights and duties arising from marriage; personal separation and divorce; maintenance; custody of children; paternity and filiation; parental authority; and the Child Abduction and Child Custody Act (Zerafa 2011). New proceedings introduced in parallel with the creation of this new court were published in Subsidiary Legislation 12.20 [S.L. 12.20].

The creation of the Family Court took place in a context in which separation was becoming more normative, and the simplification of procedures was called for (Darmanin 2007). It was thought that a court dedicated to family matters would expedite proceedings, reducing the existing case backlog (Darmanin 2007), although from data on case backlog it could be concluded that this aim was not reached (Darmanin 2007). The benefit of new proceedings before the Family Court for the vulnerable and voiceless (Darmanin 2007) was a second main aim of its creation. Two main services were introduced: compulsory mediation, which was hoped to present

couples with the opportunity of quality mediation time not previously available due to judicial commitments; and the child advocacy service, the main mission of which is the safeguarding of children's rights and interests (Aquilina 2004).

The equivalent of the Family Section of the Civil Court in Gozo is the Family Section of the Court of Magistrates (Gozo) in its Superior Jurisdiction (Ministry for Justice and Governance n.d.). Magistrates perform the functions of judges in many civil matters in Gozo: at present, three judges sit in the Family Section of the Civil Court in Malta and three magistrates sit in the Family Section of the Civil Court in Gozo. Cases are heard before one judge/magistrate. Appeals from both the Maltese and Gozitan Family Sections are heard in Malta before the Court of Appeal, composed of the Chief Justice and two other judges (Ministry for Justice and Governance n.d.).

Law relating to child maintenance in Malta is enforced under both civil and criminal law (Ellul 2002). In Malta, lawsuits of a criminal nature relating to child maintenance are heard in the Family Division of the Magistrates Court as a Court of Criminal Judicature and are all assigned to one magistrate (Malta Family Law Blog 2019b). Appeals are held before the Court of Criminal Appeal (Inferior Jurisdiction) in Malta before one judge. In Gozo such cases are heard before the Court of Magistrates (Gozo) as a Court of Criminal Judicature, presided by one magistrate, and appeals are held before the Court of Criminal Appeal (Inferior Jurisdiction) in Gozo presided by one judge.

The Family Court set-up has been critiqued. The need for better human resources and working conditions was discussed in the works of Aquilina (2004), Darmanin (2007), the Commission for the Holistic Reform of Justice [CHRJ] (2013), and Casha (2014). The need for a code of ethics for mediators and child advocates was mentioned by CHRJ (2013).

In 2018 the number of judges sitting on the Family Section of the Civil Court in Malta increased from two to three (Borg 2018). However, criticism had also been made in regard to heavy caseloads of up to 60 sittings twice a week faced by the magistrate sitting in the Family Division of the Criminal Court, who is not fully dedicated to this division due to hearing other cases of criminal and administrative law, as discussed by Abela (2008) and by two lawyers interviewed by Casha (2014). It was argued in Casha (2014)'s study that heavy caseloads could impede the judicature from evaluating all circumstances, such as by summoning employers to the witness stand to question them

on parties' working conditions, because it would set a precedent for all cases which would further increase the workload.

4.1.1. Mediation

Mediation is mandatory under Maltese law for those filing for separation and for those filing for divorce who are not yet legally separated (S.L. 12.20). The mediation service, including costs of child advocates if appointed, is publicly funded, although costs are still incurred due to parties paying for legal counsel's presence during sittings. However, if parties opt to choose the mediator themselves, a fee is applicable (Ministry for Justice, Culture, and Local Government [MJCLG] 2014). To date, there are no standard fees set; mediators set their own fees, and some opt for a sliding fee (Aquilina 2004).

Aquilina (2004), Darmanin (2007), and CHRJ (2013) highlighted the challenges relating to the role of mediator including their threefold role as conciliator, mediator, and court advisor; the lack of a code of ethics; and lack of training. Mediators differed in how they handle a number of different issues and grey areas, including in regard to which cases warrant exclusion of compulsory mediation (Darmanin 2007). Of note is that since then, regulation 4(3) of S.L. 12.20 was amended, such that in the case of evidence substantiating a claim of domestic violence, parties are summoned by court to appear before it to determine whether appearing before a mediator is in their best interest.

4.1.2. The Child Advocacy Service

Regulation 4(3) of S.L. 12.20 states that during separation or divorce mediation proceedings "...where the Court deems it expedient so to do, either of its own motion, or at the request of the mediator, or of either of the spouses, [it] may appoint a children's advocate to represent the interests of any minor children of the parties." The Child Advocacy service had been perceived as massively under-resourced by legal professionals (Darmanin 2007, Casha 2014). Currently, seven child advocates (Zahra⁴, personal communication, 08 Nov. 2021), are in office.

Role conflict faced by child advocates arising from navigating multiple roles including representation of children and acting in children's best interest was discussed by CHRJ (2013) and by Galea (2020). CHRJ (2013) posited that child advocates are not trained in

⁴ Mr. Yakob Zahra, Director of Court Services Agency

interviewing children, nor do they have experience to identify cases of parental alienation. The Commission recommended that they receive training of a psychological nature. Galea (2020) reported that the judiciary may order the sealing of court reports drawn up by child advocates for the welfare of the minor, but a copy of the report may still be handed over to the parties on insistence. In a case judgement handed down in 2020, Mr. Justice Mangion ruled that a father's right to a fair hearing had been breached when the Family Court terminated access to his children without giving him an opportunity to participate in the proceedings and to analyse the Child's Advocate report. The judge urged legislators to address role conflict resulting from the Child's Advocate acting as both lawyer for minors and court expert in the same cases (Agius 2020b). In 2020, the law was changed, and regulation 3(6A) of S.L. 12.20 now lists the functions of the child advocate as including *inter alia* a) providing legal assistance, representations and advice to minors; (b) acting in the best interests of the minors; (c) submitting the views of minors in court including through the filing of judicial acts; (d) providing explanations to the minors on the possible consequences should the court conform to the minors' wishes; and (e) providing the minors with any relevant information. However, the new legislation may be critiqued on the grounds that it does not eliminate potential role conflict, as representing the child may not always be congruent with acting in the child's best interest.

4.1.3. Court experts/support persons

Subsidiary legislation [S.L.] 12.20 provides for the appointment of experts (also called support persons) during separation proceedings. Appointed experts are professionals contracted by *Aġenzija Appoġġ* (Foundation for Social Welfare Services 2019) which is the national agency for children, families, and the community. A list of the functions of court experts is given in regulation 3(7) of S.L. 12.20 and includes: the provision of support and information to minors; advising court on care plans; liaising between court, family, and involved entities; monitoring of cases; and case follow-up. Although the service is free, parties may have to shoulder costs of fees of helping professionals engaged to work with children (MJCLG 2014). This section of the chapter has summarized salient features of the justice system in Malta in order to serve as a backdrop to separation and divorce proceedings which will be presented next.

4.2. Separation and Divorce Proceedings

This section will discuss the two routes to separation/divorce: the drawing up of a private deed of separation, or court litigation. It will then cover the application to divorce. In the ensuing discussion on separation and divorce, terminology cited is that used in Maltese legislation such as 'spouse' and 'matrimonial home', but proceedings for cohabiting couples are the same, *mutatis mutandis*. During any phase of proceedings, parties may ask the court to make provisional orders or issue a writ or warrant to protect their interest (regulation 4(13) of S.L. 12.20).

The Civil Code lays down the following grounds for the demand of separation by one spouse against the other: adultery (article 38); excesses, cruelty, threats or grievous injury to the spouse who is plaintiff or any of her/his children (article 40); desertion of the spouse by the other without good grounds for a period of two years or more (article 41); and the irretrievable breakdown of the marriage (article 40). Article 59 of the Civil Code also allows for separation by mutual consent of the spouses.

4.2.1. Mediation and the publication of a personal deed of separation

During the first sitting, the mediator informs clients that whatever is said is in confidence and without prejudice (regulation 4(7) of S.L. 12.20) and that it may be retracted. Parties may be heard separately, together, or in the presence of their legal counsel by the mediator, who may also hear any minor children if deemed old enough, the children's advocate if any, and the parties' legal counsel privately (regulation 4(6) of S.L. 12.20). CHRJ (2013) recommended that mediators should be trained to listen to children.

Subsidiary Legislation [S.L.] 12.20 stipulates that the mediator shall first attempt to reconcile the parties. Reconciliation had been one of the underlying aims of the introduction of mediation in Malta (Darmanin 2007). CHRJ (2013) posited that the role of mediator should not be extended to that of reconciler. Darmanin (2007) reported that lawyers were reluctant to leave their clients alone in sessions during the subsequent stage of mediation should reconciliation not take place, stating that their client could be prejudiced by what the mediator writes down, and that leaving their client alone with the other party's lawyers was not safe.

If reconciliation is successful, the mediator notes this in case records which are sent to the judge who will then close proceedings (regulation 4(8) of S.L. 12.20). If not, the next aim of mediation is for the couple to agree to enter a deed (contract) of separation by mutual consent. During this period, the judge may hear either of the parties, the children, or their respective legal counsel (regulation 4(10) of S.L. 12.20). If an agreement is reached, the last mediation hearing involves the reading of the draft agreement regulating the estate/s, child custody and access, and spousal and child maintenance amongst other matters, which the parties have formulated. This draft agreement is subsequently sent to the judge by the mediator together with a note confirming the parties' understanding and agreement. The mediator's views, comments by the legal counsel of the parties and by the children's advocate (if any) are also submitted to the judge (regulation 4(9) of S.L. 12.20) who reviews the draft agreement. If the judge amends or rejects the agreement, mediation resumes with a view to resubmitting the draft agreement; whereas if the judge ratifies it, a formal deed is published by a notary of their choice, signed, and registered in the Public Registry. Notaries are considered public officials, and they draft and publish public acts (European e-Justice Portal 2021). Both parties are obliged to abide by all that is stipulated in the deed including in terms of child custody, access, and maintenance.

During the conciliation or mediation stages, parties may reach an agreement on collateral matters including child maintenance, visitation rights, or use of the matrimonial home; in such a case, the mediator transmits the decision/s by means of a note to the court which shall subsequently decree on the matter accordingly (regulation 5(1) of S.L. 12.20). Mediation is closed if parties do not agree terms during the mediation procedure, or upon the lapse of two months from the filing of the letter, or a longer period granted by the court for good reason; or if the mediator thinks it unlikely that an agreement will be reached (regulation 4(12) of S.L. 12.20). The two-month mediation period was perceived by Aquilina (2004) as helping expedite proceedings. In practice, however, the length of mediation was reported to vary from 4 months to 1 year, and the number of sittings from 1 to 10 in the study by Darmanin (2007). Another reason for closure of mediation is failure to honour mediation sittings; if this happens, the mediator informs the court, indicating the reason, if any, given by the party for failing to honour the sitting, and the court will take account of this and give due consideration to it when deciding upon the matter (regulation 12 of S.L. 12.20). Upon

closure of mediation the court may authorise the parties to proceed with a suit within two months, or close mediation without authorisation due to a lack of interest by the parties. In the latter case there can be no case filed (Thake, personal communication, 21 Jul. 2022).

Parties may also enter a deed of separation by mutual consent (article 59(1) of the Civil Code) without resorting to mediation. The drawing up of a deed by mutual consent does not eliminate the role of the mediator as the draft of the deed will be examined by a mediator chosen by the parties or assigned by the court within a month of their filing the note (regulations 6(b) and (c) of S.L. 12.20). The mediator, who may hear parties in the presence of their legal counsel and any minor children if appropriate, and may also request the appointment of a children's advocate, is obliged to forward the note to the court together with advice within the same period of one month (regulation 6(c) of S.L. 12.20). Article 59(2) of the Civil Code states that before giving its authority, the court is to admonish the parties as to the consequences of separation and endeavour to reconcile them; in this case, therefore, it is the court which is entrusted with reconciliation (Aquilina 2004). The judge may hear the parties or any of their children before approving, amending, or rejecting the draft deed (regulation 6(d) of S.L. 12.20). The court vets arrangements including scrutiny of the agreement on child maintenance in order to ascertain that children are adequately supported (Ellul 2002). Aquilina (2004) noted that a disadvantage of this part of proceedings is that, although the judge will have the last say, mediators are not necessarily equipped with the requisite legal skills to review clauses in contracts and know their legal implications. CHRJ (2013) were opposed to mediators holding this role, stating that it should be performed by a jurist.

4.2.2. Court litigation

Upon the closure of unsuccessful mediation, the mediator writes a note asking the judge to authorize the parties to proceed to litigation, following which either of the parties may file a suit within two months or such longer period as the court may grant for grave reason (regulation 7(1) of S.L. 12.20), with the defendant having 20 days in which to answer. During the pre-trial stage of litigation, legal counsel present preliminary submissions. As per regulation 7(2) of S.L. 12.20, the court sets fixed time limits for parties to produce documentary evidence and witnesses whose evidence cannot be produced by affidavit. Regulation 7(4) stipulates that, except for grave and

serious reasons to be stated by the court, the pre-trial stage cannot extend beyond a year after the close of written proceedings. However, Thake reported that it is not uncommon for the compilation of evidence to take well over a year (Malta Family Law Blog 2019c). After the pre-trial stage, a date for the trial is to be fixed, where the parties' legal counsel and child advocate (if any) make their submissions and counter submissions (regulation 7(6) of S.L. 12.20). However, the exact procedure laid out by S.L. 12.20 relating to the pre-trial and trial stages is not followed in practice, which contributes to the delay which the law tries to avoid (Thake, personal communication, 21 Jul. 2022). The pronouncement of the court judgement heralds separation at law. Parties may appeal within 30 days from the date of final judgment (Act No. XXXII of 2021), with a final and unappealable judgment being handed down at the end (Malta Family Law Blog 2019c).

4.2.2.1. Provisional orders and decrees

Regulation 7(5) of S.L. 12.20 states that during the pre-trial stage of litigation, the court may give provisional orders on the demand of parties and may alter or revoke such orders where grave reasons or change of circumstances so necessitate. Articles 37(1), 46, and 46A of the Civil Code stipulate that during this stage a demand may be made by either the plaintiff or the defendant for determining the amount of an allowance for maintenance; or for the court to determine who shall continue to reside in the matrimonial home during the pendency of proceedings, whether or not the spouse making such demand has left the matrimonial home.

Following such demand, the application shall be appointed for hearing and served on the respondent together with the notice of such hearing (Article 37(2) of the Civil Code). The court conveys its decision after hearing both parties by means of a *pendente lite* (interim/provisional) decree, but may decide on the demand even if one or both parties fail to honour the hearing (Article 37(3) of the Civil Code). In practice, parties are not always heard prior to the issuing of the provisional decree according to CHRJ (2013) and two of the lawyers in Casha (2014)'s study. The terms of this decree are subject to change in the court judgement. In the case of domestic violence, the hearing is held within four working days of the application. Furthermore, the court may issue a protection or treatment order under Articles 412C and 412D of the Criminal Code respectively, either after hearing the parties or of its own motion, in order to protect

the spouses' safety, or in the best interests of children or minor dependants of the spouses (articles 37(2) and 39 of the Civil Code). If no action for separation is taken within two months of the date of the decree or within a longer period allowed by the court in the same or a subsequent decree, it will cease to be enforceable (article 37(5) of the Civil Code). The decree may be reviewed, altered, or revoked following an application by one of the parties (article 37(7) of the Civil Code). A lawyer interviewed by Casha (2014) reported that it took a long time for court to vary the decree or take into consideration the context in cases involving genuine changes in life circumstances. The procedure for separation described above also applies, *mutatis mutandis*, in cases where parties seek variations of any matter regulated by a deed of personal separation, by a decree of divorce, or a judgement of personal separation or divorce.

4.2.3. Application to divorce

Divorce is granted by virtue of a court judgement or decree – depending on whether the demand is made by one spouse or both spouses agree that the marriage should be dissolved respectively – and is pronounced in open court and subsequently registered in the Public Registry (articles 66A(2-4) of the Civil Code). According to article 66D(1) of the Civil Code, the demand by one spouse does not necessitate the imputation of fault to the other party. Original divorce legislation specified that parties had to have been legally separated for at least four years, or that they have lived apart for at least four years of the immediately preceding five. In 2021, the law changed, with the wording of the conditions in article 66B of the Civil Code reading as follows:

Without prejudice to the following provisions of this article, divorce shall not be granted except upon a demand made jointly by the two spouses or by one of them against the other spouse, and unless the Court is satisfied that:

(a) upon a demand made jointly by the two spouses, on the date of commencement of the divorce proceedings, the spouses shall have lived apart for a period of, or periods that amount to, at least 6 months out of the preceding year:

Provided that when the demand is made by one of the spouses against the other spouse, on the date of commencement of the divorce proceedings, the spouses

shall have lived apart for a period of, or periods that amount to, at least one year out of the preceding two years; or

(b) on the date of commencement of the divorce proceedings, the spouses are separated by means of a contract or court judgment; and

(c) there is no reasonable prospect of reconciliation between the spouses; and

(d) the spouses and all of their children are receiving adequate maintenance, where this is due, according to their particular circumstances, as provided in article 57:

Provided that the spouses may, at any time, renounce their right to maintenance:

Provided further that for purposes of this paragraph, maintenance ordered by the court by a judgement of separation or agreed to between the spouses in a contract of separation, shall be deemed to be adequate maintenance:

Provided further that a divorce pronounced between spouses who were separated by a contract or by a judgement shall not bring about any change in what was ordered or agreed to between them, except for the effects of divorce resulting from the law.

As the article stipulates, divorce will not be granted unless adequate spousal and child maintenance is being paid. Article 66I(3) of the Civil Code stipulates that the payment of maintenance from the other party may be safeguarded by means of an appropriate and reasonable guarantee, not exceeding the amount of maintenance for five years, in accordance with the circumstances of the parties, in the event that the party paying maintenance is found to be in default with regard to the obligation to pay maintenance, or where there are serious objective circumstances which demonstrate the necessity of the said guarantee. It also states that such a demand may also be made at any time after judgement in relation to divorce, when maintenance is due. If such maintenance is not being successfully provided, and the spouse who is supposed to be receiving maintenance wishes to divorce, they can renounce the right to both spousal and child maintenance and in so doing forfeit any unpaid amount of maintenance money in order to be granted a divorce. This however does not preclude the spouse entitled to

maintenance money from filing lawsuits relating to maintenance money after the divorce is granted.

Divorce proceedings are straightforward in the case of parties who are already legally separated. The first sitting involves the parties testifying, or submitting a sworn affidavit to the effect that, the conditions for divorce are satisfied. In the second sitting, the court pronounces the divorce of the parties. According to article 66D(2) of the Civil Code, where spouses are already separated at law, the spouse making the demand for divorce may only demand the dissolution of the marriage; and the other party may only contest the demand by proving that the spouse demanding the divorce has not paid maintenance due, and that the acceptance of the demand for divorce would make it more difficult to obtain maintenance payment. In the event that these defences are shown to be valid, divorce will not be granted.

Article 66F of the Civil Code allows for the conversion of separation proceedings into divorce proceedings provided that the conditions for divorce are satisfied. In the case of parties who have not yet separated, the parties have to undergo the same procedure for separation outlined earlier on, *mutatis mutandis*, which would however result in divorce and not separation, by way of a decree or court judgement as the case may be. Articles 66G(1) and 66H(1) of the Civil Code stipulate that in such cases, the legal counsel assisting both the plaintiff and defendant are obliged to discuss possibility of reconciliation and give the names and addresses of persons qualified to offer assistance in the process of reconciliation. The plaintiff's legal counsel is also obliged to ensure that the plaintiff is aware of personal separation as an alternative to divorce. Both parties' legal counsel are to include a note to the effect that they have undertaken these obligations with the application for divorce (article 66G(2)(b) and 66H(2) of the Civil Code).

An important distinction to be made between the procedures for separation and divorce is that it is only in the procedure for divorce that it outlines the terms which the agreement should cover. Article 66I(1) of the Civil Code states that the divorce agreement should cover some or all of the following terms: (a) the care and the custody of the children; (b) the access of the two parties to the children; (c) the maintenance of the spouses or of one of them and of each child; (d) residence in the matrimonial home;

and (e) the division of the community of acquests or the community of residue under separate administration.

4.3. Salient Legislation

In this section, legislation which is most relevant to this study, namely on the matrimonial home; custody and access; and child maintenance will be presented and discussed. Chapter 3 covered the shift from a patriarchal to a more egalitarian society. One of the most important legislative changes linked to this shift is the amendment to the Civil Code brought about by Act No. XXI of 1993. This amendment was intended to remove discrimination against women in marriage and entrusted both spouses with equal rights and responsibilities including in childcare (Abela 2016). Articles 2 and 3 of the Civil Code follow:

2. (1) The Law promotes the unity and stability of the family.

(2) The spouses shall have equal rights and shall assume equal responsibilities during marriage. They owe each other fidelity and moral and material support.

3. Both spouses are bound, each in proportion to his or her means and of his or her ability to work whether in the home or outside the home as the interest of the family requires, to maintain each other and to contribute towards the needs of the family.

4.3.1. Matrimonial home

According to article 46 of the Civil Code, either plaintiff or defendant may leave the matrimonial home during the pendency of the action for separation. Article 55A covers the possible outcomes in regard to the matrimonial home as directed by the court judgement of separation. The court may: order one of the parties to reside in the home for a period of time and under conditions the court deems appropriate; order the matrimonial home to be sold, provided it is satisfied that the parties and their children have adequate accommodation, with sales proceeds assigned as considered appropriate by the court; or, if the home belongs to both, assign the home to one party, which party will compensate the other for the financial loss. The article stipulates that in taking its decision, the court will consider the best interest of children including the impact on them, welfare of the parties and their children, and whether the parties have

– or whether their means and abilities permit them to have – another place where to reside. It also stipulates that in the case of a substantial change in circumstances, the court may, upon a demand of either party, vary the decision taken by it.

4.3.2. Child custody and access

In the case of separation by mutual consent, the court, in its decree, gives its directions as to the person in whose custody the children will be placed, and may revoke or vary these directions at any time for the better welfare of the children (article 60 of the Civil Code). Any agreement between spouses regarding custody may, at any time, be annulled upon the demand of one of the spouses or of a relative of either of them, in which case the court gives directions as to the person in whose custody children are placed as well as to the mode of their maintenance and education (article 61 of the Civil Code).

In the case of contentious separation, articles 47 and 56 of the Civil Code state that the court gives directions regarding the custody of the children as it deems appropriate with paramount consideration being given to the welfare of the children. Children may be placed in the custody of persons *in loco parentis*, of third parties, or in alternative forms of care (article 56(2) of the Civil Code). These directions may be given in the judgement of separation even if no demand on the spouse's part has been made, and may be revoked or varied (articles 56(3) and 56(4) of the Civil Code).

One or both spouses may be deprived wholly or in part of rights of parental authority (article 56(5) of the Civil Code). Upon the demand of one of the parties, or of its own motion, the court may, for grave reasons, declare that the other party is not fit to have custody of the minor children, and is not entitled to assume it without court authorisation following the death of the party which made the demand (article 56A of the Civil Code). According to the same article, evidence of domestic violence constitutes a grave reason. Articles 57(2) and 57(3) of the Civil Code stipulate that the court sets out the conditions governing access to children in terms of time, place, and manner; that the right of access may be withdrawn by the court when the spouse who is granted such right of access fails to exercise such right; and that the court may forbid access if it is deemed to be detrimental to children or any one of the parents.

Sammut (2018) analysed randomly chosen cases for the periods 2009-2013 and 2014-2018 and reported that sole custody was awarded to mothers in over 60% of cases for both periods; and that even in cases of joint custody, primary residential status was mostly assigned to mothers. Thake stated that in regard to custody and access Maltese law is not inherently biased in favour of mothers as is often believed; however, judgements along the lines of gendered assumptions take place due to judges' personal beliefs and unconscious biases (Berger 2020). The judiciary's reported stances in relation to custody and access run counter to current scientific evidence showing that equal shared parenting is associated with better outcomes for children than sole physical custody arrangements (Bauserman 2002; Baude et al. 2016, 2019; Braver and Lamb 2018; Nielsen 2018, Steinbach 2019). Two relatively recent Government policy measures are related to custody and access arrangements post-separation. The first is the set-up of a technical committee to draw up legislation and services for victims of parental alienation (Parliament of Malta 2021). Parental alienation, which refers to a child being turned against a parent with whom the child had previously had a close and loving bond by another parent (Gardner 1998), has been shown to affect children adversely (Marques 2020) although it remains a contested and divisive construct (Johnston and Sullivan 2020). The second is a policy move towards shared parenting promised by the winning Labour Party in its manifesto for the March 2022 election (Partit Laburista 2022).

4.3.3. Spousal and child maintenance

Article 3 of the Civil Code stipulates that spouses are bound to maintain each other. According to article 19(1) of the Civil Code, spousal maintenance comprises food, clothing, health, and habitation. The amount of spousal maintenance to be paid is determined by the judge according to the following criteria which are also used in determining the amount of child maintenance. Article 54(2) of the Civil Code stipulates that:

The amount of maintenance referred to in sub-article (1), and the maintenance due to children in the event of separation, shall be determined having regard to the means of the spouses, their ability to work and their needs, and regard shall also be had to all the other circumstances of the spouses and of the children, including the following:

- (a) the needs of the children, after considering all their circumstances;
- (b) any disability, as defined in the Equal Opportunities (Persons with Disability) Act, whether such disability is physical or mental;
- (c) circumstances of illness which are of such seriousness and gravity as to compromise the ability of the spouses or of the children to maintain themselves;
- (d) whether the ability of the party to whom maintenance is due to have earnings of whatever nature was diminished by reason of that party having, during the marriage, taken care of the household, the other party and the upbringing of the children of the marriage;
- (e) every income or benefit which the spouses, or any of them, receive according to law, other than social assistance that is not contributory which is paid to them under the Social Security Act:

Provided that for the purposes of this paragraph the disability pension payable in terms of article 27 of the Social Security Act shall be taken into consideration;

- (f) the accommodation requirements of the spouses and of the children;
- (g) the amount which would have been due to each of the parties as a benefit, including, but not limited to, a benefit under a pension scheme, which by reason of the separation, that party will forfeit the opportunity or possibility of acquiring.

In regard to sub-article (a), Schembri (2017) noted that children's needs are very difficult to define, even more so to quantify, and involve aspects not covered by law. However, she cited Family Court case law stressing that water, electricity, telephone, and internet services are crucial to family life, including to children's education. Mangion (2011) discussed how sub-article 2(d) of this article was introduced in order to protect homemakers when previously, the male breadwinner and female homemaker had been placed on an equal footing in terms of ability to work. Schembri (2017) however noted that case law was increasingly stressing mothers' ability to work, reflecting the societal gender role changes. Thake noted that maintenance between spouses is increasingly rare (Malta Family Law Blog 2019a).

According to article 54(3) of the Civil Code, even when no demand is made by a party for spousal and/or child maintenance, the court may apply the relevant legislation out of its own motion. As stipulated in article 54(4) of the Civil Code, the court may also provide for the manner in which maintenance may increase. The court may, if it deems fit, order the spouse liable to pay by means of a lump sum *in lieu* of the whole or part of maintenance due, which can be paid over a reasonable period of time in equal or unequal instalments. The payer can assign property in ownership or in usufruct, use, or habitation *in lieu* of all or part of this sum as directed by the court. According to Thake (personal communication, 21 Jul. 2022), lump sums for children are very rare since the court would not want payers to subsequently abdicate responsibility or payees to misuse the money by spending it at once or on themselves.

Article 54(9) of the Civil Code states that maintenance may be varied or stopped in the event of change in the payer's means or the payee's needs, and that if the lump sum or assignment of property has been paid or made only in partial satisfaction of the obligation, the supervening change will only apply to the part remaining to be paid or made, and in the same proportion thereto. The obligation to maintain a spouse ceases once the spouse due to receive maintenance remarries or enters into a personal relationship, which brings an obligation on the third party in her/his favour, effective from the date of the marriage or the commencement of the new relationship, although the order for maintenance to be paid by means of a lump sum continues to hold (article 66M of the Civil Code). While parents can be released from paying maintenance to the other, they are very unlikely to be exonerated from paying child maintenance (Ellul 2002).

4.3.3.1. Child maintenance

Skinner and Davidson (2009) carried out a comparative analysis of child maintenance regimes in 14 countries. Three main clusters of regimes emerged: court, agency, and hybrid. Malta was not included in their analysis but would fit into the court cluster as courts in Malta hold exclusive power regarding child maintenance obligations. Skinner and Davidson (2009) described a continuum of 'discretion rules' for court regimes, with some being nearer the 'rules' polarity of this continuum, having tables and guidelines, and others being nearer the 'discretion' polarity of the continuum, having no rules or methods in place to help guide child maintenance awards. Malta lies on the 'discretion'

end of this continuum, with jurors exercising discretion in the absence of formal guidelines and rules.

Article 3B(1) of the Maltese Civil Code stipulates that:

Marriage imposes on both spouses the obligation to look after, maintain, instruct and educate the children of the marriage taking into account the abilities, natural inclinations and aspirations of the children.

Despite terminology depicting maintenance as a feature of married life, the obligation to support children in order that children not unfairly shoulder economic hardship following separation holds irrespective of marital status (Ellul 2002, Schembri 2017). Fathers are bound to support their children even in the case of illegitimacy, whether they acknowledge the child themselves or are declared fathers of the child by a judgement of the court (Ellul 2002). Article 57 (1) of the Civil Code states thus:

Whosoever may be the person to whom the children are entrusted, the father and mother shall maintain their right to watch over their maintenance and education, and shall still be bound to contribute thereto, according to law:

Provided that this right may be suspended if the exercise thereof would put either the children or the other parent at a risk of harm.

Schembri (2017) noted that this shows that the resident parent has the duty to contribute to the child with daily expenses. Article 3B(2) of the Civil Code stipulates that parents are duty-bound to provide adequate maintenance according to their means to children who have a physical or mental disability, as well as to children under the age of 23 participating in full-time education, training, or learning where it is not reasonably possible for the children to maintain themselves.

Ellul (2002) stated that in the majority of cases, one parent, typically the mother, will be held responsible for daily expenditures whereas the other parent, typically the father, will be required to pay a percentage of income on a monthly basis to the custodial parent. A lawyer interviewed by Casha (2014) argued that the recipient's contributions are often unquantifiable. As with spousal maintenance, the amount of child maintenance to be paid is left entirely to the discretion of the judge, who is entrusted with safeguarding the best interests of the child (Ellul 2002), based on the criteria listed in article 54(2) reproduced above.

Judicial discretion was defined by Schembri (2017) as a subjective exercise based on objective facts, with its advantages being creativity and versatility in taking decisions based on the circumstances of the case. It includes estimating the means of both paying parent and parent in receipt of maintenance as stipulated in article 20 of the Civil Code by looking at various criteria including salary, earnings, and any gains: when the court does not have proof of income, the occupation of payer, movables, lifestyle, and other aspects as mentioned in article 20 of the Civil Code are used as proxy for earnings (Schembri 2017). In cases where the child is of working age and works part-time, the child's income is taken into account (Schembri 2017). One critique of the legal mechanism involved in the determination of child maintenance is that a party does not have a right to know how much the other party earns due to the Data Protection Act as discussed in the works of Darmanin (2007) and CHRJ (2013).

Schembri (2017) analysed trends in child maintenance awards by analysing 48 case judgements between 2015 and 2016. She also interviewed a magistrate and sent questions via e-mail to two judges. According to a magistrate interviewed by Schembri (2017), the courts aim to ensure that children keep the standard of living they had before the parental separation. Schembri (2017) reported that the judiciary used income returns, employment history, as well as testimonies and affidavits such as that given from the Department of Social Security in relation to receipt of social benefits. A mix of use of net and gross income was used by the judiciary in calculating maintenance awards, depending on evidence, but net income was more commonly taken into consideration. However, out of 48 cases, proof of what payers earn was only given in 17 cases.

In terms of quantum of payment, Schembri (2017) reported that since issues of custody and maintenance were decided simultaneously, custody indirectly affected the amount in terms of jurors taking into account the custodial parent's earning capacity, potential to work, and costs borne by the custodial parent. She reported that on average, payers paid around 23-24% of their estimated earnings, but there was no discernible pattern between income and maintenance paid, although in cases where the payer was earning a minimum wage, payment was always under €150 per month. More recently, however, Thake reported that it is possible to say with some degree of certainty that the customary minimum amount for a single child is €200 per month together with half the cost of health and educational expenses, and that courts in Malta appear to be

increasing the amount slightly, such that amounts of €220 are also known to be ordered, even in the case of a minimum wage earner (Malta Family Law Blog 2019a). He also pointed out that the amount does not scale depending on how many children there are. Schembri (2017) reported that in 12 out of the 16 cases where more than one child was involved, amounts were apportioned to each child equally. In the other four cases, a global sum was awarded with the amount for each child not being specified. She found no discernible pattern between maintenance paid and the age of child. Finding no consistency between jurors, she argued that these findings could all be justified in terms of consideration of all circumstances of the case, in other words, in terms of judicial discretion. Schembri (2017) reported that in most judgements increase of awards was on an annual or biennial basis, and that in most cases, the amount awarded in *pendente lite* (interim/ provisional) decrees was upheld; the final judgement review only served to change the amount in the event of changes in circumstances of either the parents or children.

In terms of expenses incurred, Schembri (2017) noted challenges posed by the fact that the law does not differentiate between ordinary and extraordinary expenses incurred; that food, utilities, and general expenses tend to be indistinct from those incurred by rest of family; and that there is no standard regarding the proof that has to be given by the receiving parent. Child maintenance includes expenses necessary for health and education as stipulated in article 19(2) of the Civil Code, which are borne by the parents equally over and above the daily expenditures and monthly sum respectively (Ellul 2002). Schembri (2017) found that expenses for health and education were sometimes included in the periodical amount and other times not, in which case specific receipts had to be shown. She reported that in cases of lack of contact or hostile interparental relationships, such expenses were more likely to be incorporated in the monthly amount. A challenge in regard to education and health expenses which makes it hard if not useless for parents to retrieve the amounts owed for such expenses is linked to the fact that payment of costs of medical and educational needs is not currently enforced by the courts of criminal jurisdiction, as argued by Abela (2008) and by a lawyer interviewed by Casha (2014).

Law relating to the monthly sum of child maintenance in Malta is enforced under both civil and criminal law (Ellul 2002). Article 338 (z) of the Criminal Code (Chapter 9) of the Laws of Malta lays down that:

Every person is guilty of a contravention against public order, who -

when so ordered by a court or so bound by contract fails to give to a person the sum fixed by that court or laid down in the contract as maintenance for that person, within fifteen days from the day on which, according to such order or contract, such sum should be paid:

Provided that, notwithstanding any other provision of this Code, the criminal action for an offence under this paragraph is barred by the lapse of six months:

Provided further that where the offender is a recidivist in a contravention under this paragraph the offender shall be liable to the punishment of detention not exceeding three months or a fine (*multa*) not exceeding two hundred euro or imprisonment for a term not exceeding two months

Problems with law enforceability and with the lack of harmonization between civil and criminal law enforcement in relation to child maintenance payment were discussed by Abela (2008), CHRJ (2013), and Casha (2014).

4.4. Concluding Reflections

This chapter has given a general overview of pertinent separation and divorce legislation and proceedings in Malta. Elements of this system are of particular importance to the study of adherence to child maintenance obligations. First is the power of judicial discretion which also holds in the case of private arrangements given that these are vetted by the judiciary. Malta has a unique system involving two types of child maintenance: health and education expenses, meant to be borne by the parents equally; and payment of a percentage of income on a monthly basis to the primary custodial parent. It was shown how there are no formal guidelines for the calculation of this monthly sum, which is dependent on judicial discretion. Legal research showed no discernible patterns between the quantum of this sum and payers' income, number and age of children, and also showed a lack of consistency amongst jurors, including in regard to whether gross or net income were used to calculate it. Custody arrangements tend to be decided in tandem with child maintenance arrangements, and of note in this regard is that although Maltese legislation is not inherently biased against either parent, there is a trend for custody to be awarded to mothers. The issue of judicial power in

Malta is highly significant in the light of findings reported in chapters 1 and 2. These showed that adherence to child maintenance obligations was linked to fathers' satisfaction with both affordability of child maintenance and access arrangements; but adversely affected by negative affect related to judicial discretion and by perception of biased workings of the judiciary which were linked to fathers' loss of control over their arrangements. The power of judicial discretion in Malta means that fathers' experiences of the judicial system are likely to be highly significant in shaping their stances towards child maintenance obligations. This, together with the unique dual system of child maintenance in Malta, reinforces the research rationale and scope for this study being held in Malta, and justifies the research sub-question focusing on how the justice system is perceived, as do other idiosyncratic features of the justice system in Malta such as the need for human resources, the backlog of cases, and role conflicts faced by mediators and child advocates. These elements do not feature in international literature on child maintenance obligations and exploring how they affect fathers' adherence to their child maintenance obligations is crucial. The next chapter discusses the study methodology.

CHAPTER 5: Methodology

This chapter starts by presenting the rationale for a qualitative research design, followed by a justification for the choice of critical realist and constructionist stances. Next follows a discussion on recruitment, data collection, and data analysis methods. The author then reflects on her various positions in this study before concluding with a discussion on ethical issues.

5.1. Rationale for a Qualitative Research Design

The methodological design of a study is based on the research objective and questions (Denzin and Lincoln 2018). A basis for the study rationale, outlined in the Introduction, was the dearth of research on child maintenance payment obligations in Malta from a social science perspective, excepting for the author's study (Casha 2014). This study was limited in terms of the small number of fathers interviewed (4) who had a history of noncompliance and had all been involved in court disputes over parenting arrangements. It therefore did not shed any light on different legal post-separation arrangements – such as cases of fathers who had signed separation contracts and had never been involved in court disputes - nor on different attitudes/behaviours in regard to child maintenance compliance. These limitations are important in the light of argumentation made in the Introduction that policymakers need to listen to the target population of the policy, which includes fathers harbouring different attitudes and behaviours in relation to compliance. Although a case can also be made for quantitative research on this issue in Malta, a qualitative method of inquiry is the more appropriate approach for a contextualized understanding of the idiosyncratic complexities of factors affecting fathers' decisions around child maintenance payment. The questions of 'how' and 'why' phenomena occur are not adequately answered by quantitative research: the necessary exploratory and in-depth tools to answer such questions are given by qualitative research which:

“involves the studied use and collection of a variety of empirical materials – case study, personal experience, introspection, life story, interview, artifacts, and cultural texts and productions, along with observational, historical, interactional,

and visual texts – that describe routine and problematic moments and meanings in individuals’ lives” (Denzin and Lincoln, 2018, p. 10).

This thesis therefore set out to explore the social phenomenon of child maintenance obligations “from the inside out” using the phrase given by Mandell (1995, p.89) by giving voice to fathers’ perceptions and experiences. It set out to explore factors involved underlying differing attitudes and behaviours in relation to child maintenance obligations by comparing and contrasting two groups of fathers who, broadly speaking, have different attitudes and behaviours in regard to child maintenance compliance. The thesis aimed to answer how fathers’ constructions of their compliance positions is influenced by:

- 1) their understanding of the workings of the justice system, and the meaning they make of their experiences of it
- 2) their sense of financial fairness, and their perception of their financial circumstances vis-à-vis those of mothers
- 3) their views on fathering norms and their expectations around children’s care
- 4) their religious attitudes and behaviours

The research strategy undertaken to answer these questions is discussed next.

5.2. Epistemological Framework of the Research Strategy

This section discusses the justification of the use of the critical realist and constructionist epistemologies, involving a blend of retroductive and abductive reasoning methods, as a foundation for the research strategy adopted in this study.

5.2.1. Critical realism

Critical realism, which emerged in the 1970s and 1980s through the work of Bhaskar, views knowledge of reality as being mediated by our perceptions and beliefs (Fletcher 2017). It has a depth realist ontology (Blaikie 2007) as it stratifies reality into three tiers, which Fletcher (2017) depicted diagrammatically as an iceberg. The topmost level of reality is the empirical level, constituted of events as experienced and interpreted: at this level, ideas, meanings, decisions, and actions taken can be causal in and of themselves (Fletcher 2017). It is at this level that events can be captured, observed, and

interpreted in the form of empirical data in studies (Fletcher 2017). The middle level is termed actual reality and is not filtered through human experience, and the bottom level is the real, at which level, causal structures, or causal mechanisms, exist which produce events visible at the empirical level (Fletcher 2017).

An important tenet of critical realism is that all social structures possess causal powers (Donati 2015, 2016; Fletcher 2017), justifying its choice for this study. Chapters 1 and 2 have shown the importance social structures at both microsystemic and macrosystemic levels play in fathers' decisions around child maintenance payment obligations. They have shown the importance of the relational element, in that fathers' decisions are influenced by their relationships with ex-partners, new families, and social structures. The importance of social structures and relationships justify the choice of a specific critical realist perspective for this study, namely the critical realist relational perspective of Donati (2015, 2016). According to Donati (2015, 2016), agency and social structure are not to be conflated. The connectors mediating between agency and social structure are social relations, which Donati (2015) views as interweaving elements that derive from nature (both that internal to human beings as well as external, biophysical nature) with effects deriving from networks connecting actors. Donati's fundamental thesis is that "being in relation" can be seen from the objective side (the bond/connection itself, with its norms and means) and the subjective side (the meaning of the relation residing in the individual) which interweave to create the relation as 'effect of reciprocity' with its own qualities and causal powers, and thus essentially a structure in its own right, which is an intrinsically reflexive one given that it circles back on the subjects in the relations (Donati 2015). The importance given by this theory to relations themselves, the subjective meanings attached to relations, and causal power of structures provides for a tight conceptual fit with the findings reported in chapter 1 and the theoretical explanations reported in chapter 2.

Another feature of critical realist relational theory pertinent to this thesis is its view of entities such as courts and administrative entities as collective social subjects operating at the macro-level, with a set of aims which they strive to achieve and deliberation on their own concerns (Donati 2016). Citing Gehlen (1984), Donati (2015) stated that the essential qualities of social relations and of institutional entities are to serve their functions well but also to be a "connecting point" and to "support behaviour for higher best interests" (p. 88). In this respect, the concept of relational reflexivity is important.

According to Donati (2016), a subject is relationally reflexive to the degree that it uses feedback originating from the reflexivity of the networks in which it is involved to alter its own processes, and its own or others' personal and social identity, thus creating or regenerating common good. The author argued that given the formal, rule-governed environment of institutions such as courts and administrative entities, as well as the highly diverse backgrounds of people working in such environments, it is highly improbable that they will give life to a relational social subject. This could relate to Taylor (2004)'s empirical findings discussed in chapter 1 around fathers' perceptions of the three justice pathways: as the gradient of formality and impersonality rises from mediation to lawyer-based to judicial, the entity (social subject)'s relational reflexivity decreases, affecting the outcome and fathers' judgement of it in a progressively more negative way.

Critical realism is theory-driven and aims to explain social reality through engagement with existing theories about that reality, with particular focus on causal mechanisms at play, which renders it useful for the analysis of social problems and making recommendations for social change (Fletcher 2017). The identification of causal mechanisms and of necessary contextual conditions for these to take effect and to result in empirical trends observed takes place by means of the use of a retroductive research strategy (Blaikie 2007, Fletcher 2017). Critical realism is also associated with a flexible deductive research strategy in which the researcher draws upon existing theory but can also modify and reject it (Fletcher 2017). This is in tune with the research design of this thesis, which aims to investigate how contexts and mechanisms typically interact in relation to child maintenance obligations, and which also aims to critique existing theories and test them in the Maltese context.

5.2.2. Constructionism

Researching the phenomenon of child maintenance payment obligations "from the inside out" calls for a constructionist epistemology which is concerned with how people make sense of their interactions with the physical world and with other people (Blaikie 2007). Blaikie (2007) referred to the iterative process of producing technical descriptions of social life (the scientific outsider account) from participants' lay accounts of their social life (the insider account) as forming the basis of an abductive research strategy, and depicted it diagrammatically as follows (p. 90):

Every day concepts and meanings

provide the basis for

social action/interaction

about which

social actors can give accounts

from which

social scientific description can be made

from which

social theories can be generated

or which can be understood in terms of

existing social theories and perspectives

The ontological position corresponding to constructionism is idealism, in which reality is seen as consisting only of mental representations (Blaikie 2007). This can be reconciled with the critical realist view of reality. As discussed earlier, critical realism envisions the empirical level of reality as being constituted of events as experienced and interpreted: at this level, ideas, meanings, decisions, and actions taken can be causal in and of themselves (Fletcher 2017). As stated by Blaikie (2007), it is therefore possible to employ a retroductive strategy, concerned with identifying causal mechanisms and describing the contexts in which these are embedded, and with how these contexts affect the mechanisms, in tandem with an abductive research strategy, concerned with making scientific sense of participants' lay accounts of reality. The fit between these research strategies adopted and the analysis tool will be discussed further on.

5.3. Research Methods: Recruitment and Data Collection

Fieldwork, which involved recruiting participants and conducting face-to-face semi-structured interviews with them, took place between August 2019 and June 2020. Great attention was given to this process given that fathers have tended to be absent from parenting research. In this regard, Cabrera et al. (2018) discuss three main biases against fathers: the assumption that fathers, as economic providers, are less involved

with children than mothers; the assumption that fathers are less hands-on as parents; and the assumption that nonresident fathers are absent from children's lives. Fathers' absence from research can also be accounted for in terms of recruitment strategies not being tailored for fathers, although even the use of such strategies can result in low recruitment rates (Yaremych and Persky 2023). This section discusses sampling criteria, sampling size, recruitment and data collection methods.

5.3.1. Sampling criteria

A purposive sampling method, defined by Etikan et al. (2016) as the deliberate choice of a participant due to the qualities the participant possesses, was employed to recruit participants. Palinkas et al. (2015) discuss the various sub-types of purposive sampling, including three used in this study: criterion-i purposive sampling (based on inclusion criteria), criterion-e purposive sampling (based on exclusion criteria), and snowball sampling, defined as recruitment via participants who know people with similar characteristics.

The desired sample consisted of fathers who had legally separated or divorced in Malta and who had child maintenance payment obligations, whether they were complying with them or not. The recruitment strategy did not allow for prior identification of (and hence selection of participants with) a particular child maintenance compliance status. It was hoped that a mix of compliant/willing payers and coerced payers/nonpayers could be found, primarily to explore different attitudes and behaviours in regard to child maintenance compliance. A description of the original sampling criteria and how these were changed during the course of the study follows.

5.3.1.1. *Inclusion criteria*

The original inclusion criteria were two: fathers had to have separated/divorced within the past 18 months; and they also had to have child maintenance obligations towards dependent children aged up to 23, given that, as discussed in chapter 4, child maintenance obligations apply in the case of children being engaged in full-time education or training up to the age of 23.

Initial fieldwork brought up two issues regarding the first criterion: first, feedback given from face-to-face support group leaders that the timeframe was too restrictive in terms

of the time needed for legal separation to take place; and second, interest in the study from potential participants who had separated/divorced more than 18 months ago. The timeframe of the original inclusion criterion was therefore changed to 'separated/divorced within the past 10 years' for fathers recruited via face-to-face support groups or social media (Appendices B1 and B2). However, for fathers recruited through lawyers, it was changed to 'separated/divorced within the past 5 years' (Appendix C), given that lawyers may not have had the time to trawl through caseloads older than five years. Although this was a limitation of the study in terms of having fathers who had been separated/divorced for different lengths of time, and hence a less homogeneous group in this respect, it proved useful in terms of gaining an understanding of changes over time for those who had been separated for longer periods of time.

During the course of fieldwork, the author was contacted by fathers who were not yet legally separated, but had separated physically within the last 10 years and had interim legal arrangements in place. Some of these fathers had been in the process of gaining legal separation status for many years. It was decided that these fathers were still eligible to take part given that they still had experience of the justice system and could therefore make important contributions to the study. However, it was decided not to include 'or has interim legal arrangements' in the inclusion criteria in order to try to keep the information sheets as brief and clear as possible: for example, members of face-to-face support groups or social media users might not have understood what interim legal arrangements mean.

5.3.1.2. Exclusion criteria

The original exclusion criteria were two: the first was payment of a lump sum of money as child maintenance payment, and was retained. This was included in the briefing sheet for lawyers (Appendix C), but was not listed in the information sheet disseminated to prospective participants recruited via face-to-face support groups or social media (Appendices B1 and B2) as it may have confused them. The author therefore screened for it during the initial phone call to participants recruited via face-to-face support groups or social media, given that this question would not cause them any embarrassment.

The second original exclusion criterion was involvement in criminal lawsuits related to child maintenance payment, which was later dropped. In Malta, as was discussed in chapter 4, law relating to child maintenance can be enforced under both civil and criminal law. The rationale for dropping this exclusion was twofold. First, feedback was received from a lawyer that this exclusion criterion would potentially exclude many coerced payers or nonpayers, whose representation in the targeted sample was desired. The second rationale for dropping this exclusion criterion was that it posed a problem for the group, online, and snowball recruitment strategies. Although lawyers knew which potential participants were undergoing criminal proceedings, other gatekeepers did not, and could not ask potential participants whether they were. This meant that it would have had to be screened for during the first telephone call, which would have been awkward and invasive of their privacy and could potentially have offended and stigmatized them. This could also have happened if this exclusion criterion was listed in information sheets or the online blurb, particularly if posted in social media sites popular with fathers campaigning for fathers' rights, who might perhaps be more likely to be involved in litigation around child access and payment. By avoiding the pitfall of embarrassment or shame related to self-exclusion, this change helped to empower such fathers rather than exacerbate their feelings of disenfranchisement, in accordance with the principles of giving fathers a voice discussed earlier on.

5.3.1.3. Summary of changes in criteria

The changes in inclusion and exclusion criteria posed a methodological limitation of the study. With hindsight, these changes, which also necessitated a request for approval of amendments from the Ethics Committee of the Department of Social Policy and Social Work at the University of York (SPSW Ethics Committee) and from the Faculty Research Ethics Committee of the Faculty for Social Wellbeing at the University of Malta (SWB FREC) could have been avoided had the recruitment plan itself been piloted in terms of being run past lawyers and group leaders before applying for the original ethical review. This would have made the author aware of the complex and nuanced challenges regarding the use of inclusion and exclusion criteria in the context of different recruitment pathways.

To summarize, the final sample therefore consisted of fathers who had undergone legal separation/divorce, or who had physically separated and had interim legal post-

separation parenting arrangements, under Maltese law, within the past 10 years; and who had child maintenance payment obligations, irrespective of whether they were actually paying child maintenance or not.

5.3.2. Sampling size

The choice of sample size in qualitative methodology is highly contentious. Although qualitative research cannot be generalizable to the population in terms of statistical inference (Brannen 2005), it can involve theoretical generalization, so there are expectations for qualitative studies to have enough participants by yielding what Malterud et al. (2016) term 'information power' for a good quality analysis. To this end, the authors provide five guidelines for assessment of sample size in qualitative analysis. These are: whether the study aim is narrow or broad; whether the sample specificity is dense or sparse; whether established theory has been applied or not; the quality of the dialogue; and the analysis strategy (case versus cross-case). In regard to this research study, the quality of the dialogue, or the richness of interview data, could not be assessed beforehand, although the author regards herself as a skilled interviewer on the basis of past training as a therapist, which might call for a smaller number of participants according to Malterud et al. (2016). Theory had already been extensively applied in the field, so this would indicate, according to Malterud et al. (2016) that a smaller rather than a larger number of participants would have sufficed. In terms of sample specificity, defined by Malterud et al. (2016) as shared experiences and knowledge amongst participants, it can be said to be midway between dense (calling for a smaller number of participants) and sparse (calling for a larger number of participants), in that participants shared the common experience of separation, but differed in other respects including life circumstances, number of years since separation, and nature of post-separation parenting arrangements. However, the relatively broad aims of this study, involving the possible generation of new data to ground new theoretical insights, as well as cross-case analysis in terms of comparison of payers with nonpayers, can be said to call for a larger sample size. Based on these considerations, it was therefore decided at the beginning of the study to aim for a sample size of 40. However, after conducting around 25 interviews, the author thought that theoretical saturation was being reached. At around this time, the outbreak of the Covid-19 pandemic took place. This made recruitment harder, as it may have affected

potential participants' motivation to take part. A new target of 30 participants was therefore set following discussion with the supervisor. This target was reached and is in tune with the finding of Mason (2010) that the mean number of participants in Ph.D. studies was around the 30 mark. The final sample consisted of 31 participants. Because its categorization was a result of abductive data analysis, it is discussed in section 5.4. on data analysis.

5.3.3. Recruitment pathways

The recruitment strategy was a four-pronged approach involving face-to-face support groups, posting on social media, lawyers, and snowball sampling. This was in sync with later research encouraging researchers to employ a variety of thoughtfully chosen strategies to recruit fathers, including facebook, which proved the most cost- and time-efficient in the study by Yaremych and Persky (2023).

The type of recruitment used in both the traditional (offline) as well as social media (online) recruitment pathways was passive recruitment, defined by Gelinas et al. (2017) as the distribution of recruitment material with the intent of attracting potential participants to contact the researcher for further information and enrolment in the study. Recruitment materials (Appendices B1 and B2) highlighted benefits of participation, including giving voice to fathers' stories. This was done in keeping with the study rationale, but was also in sync with later research emphasizing the need to highlight fathers' motivations to participate in research and their desire to tell their stories (Yaremych and Persky 2023).

5.3.3.1. Face-to-face groups

The author contacted the group leaders of two voluntary-run face-to-face support groups for separated persons who disseminated a brief information sheet with the criteria as amended (Appendix B1) to participants in their groups. These groups were *Ward u Żgħar*, and *Young Separated Support Group (YSSG)* run by *Caritas Malta*. In the case of *YSSG*, permission to recruit participants was sought from, and given by, the parent organization, *Caritas Malta*.

5.3.3.2. *Social media*

Social media was used in light of its high consumption in Malta (Statista 2021). Promotional blurbs (Appendix B2) were posted on the following *facebook* groups for separated/divorced people: *Separated or Divorced, Mingle – Malta* and *Single parents and separated parents group Malta*; and for singles: *malta single's people* [sic.], *Mature Singles Malta, Only singles Malta, Single Malta 18+*, and *singles malta 35+*. The blurbs were also posted by the page admins of two pages focused on fathers' rights and on fathering issues respectively, namely *Flimkien Missirijiet Inqumu* and *The Maltese Daddy*. Both Maltese and English blurbs were posted in order to maximize exposure to the blurb, and to reach both Maltese and foreign fathers living in Malta.

5.3.3.3. *Lawyers*

The author contacted family lawyers to recruit fathers by circulating the detailed information sheet (Appendix D). As stated earlier, they were given the original exclusion criterion asking them to exclude fathers who were involved in criminal cases relating to child maintenance payment obligations (Appendix C) which was later excluded for the other three recruitment pathways. However, few lawyers were contacted because the other recruitment pathways proved more effective.

5.3.3.3. *Snowball sampling*

Snowball sampling was also used in this study. Following each interview, participants were asked to inform any other fathers they knew – who fulfilled the eligibility criteria and who they thought might be willing to participate – about this study.

5.3.4. *Semi-structured interviews*

In order to explore fathers' experiences relating to their choices around child maintenance payment, the research design involved semi-structured interviews with fathers who had separated/divorced in Malta. Semi-structured interviews involve "a blend of closed- and open-ended questions, often accompanied by follow-up why or how questions" (Adams, 2015, p. 493). They are time-consuming to plan and conduct but have the advantages of versatility and rich data production (Adams 2015, Ruslin et al. 2022). Two features that account for this are the possibility of probing following both

open- and close-ended questions to pursue useful leads (Adams 2015); and the flexibility of this research tool: “The dialogue can meander around the topics on the agenda—rather than adhering slavishly to verbatim questions as in a standardized survey—and may delve into totally unforeseen issues” (Adams 2015, p. 493). This renders it a good tool to explore new themes or insights into the research topic, in line with the aims of this thesis. Ethically and politically, it is also in line with the aims of this thesis as it has the advantage of giving participants a degree of control and freedom (Ruslin et al. 2022).

Twenty-four interviews were held face-to-face: 21 were held at the author’s office, two were held at participants’ workplaces, and one was held at group premises prior to a face-to-face support group session. Following the outbreak of the Covid-19 pandemic, six interviews were held via Skype or Zoom. One interview was held by means of a telephone call and was not recorded as per the participant’s preference. All other interviews were audio-recorded and transcribed. The first two interviews served as pilot interviews. The author thought that they went smoothly and that there was no need to modify the interview guide (Appendix F) in any way. Interviews ranged between 27 minutes and 3 hours and 14 minutes, with the mean length of an interview being 64 minutes. Ethical issues related to the interviewing process are discussed in section 5.6. on ethics.

5.4. Data Analysis

The rationale for the choice of framework analysis as an analysis method is presented next, followed by an explanation of the method of data analysis, and a discussion on sample characteristics.

5.4.1. Rationale for choice of framework analysis

Framework analysis, developed by Ritchie and Spencer in 1994 (Ritchie and Spencer 2011) belongs to a broad school of analysis methods often termed thematic analysis or qualitative content analysis (Gale et al. 2013). These methods aim to identify commonalities as well as differences in qualitative data, before moving on to analyse relationships between different parts of data, finally drawing descriptive and interpretive conclusions clustered around themes (Gale et al. 2013). Framework analysis

was developed for applied policy research and can therefore be used as a tool to assess policies and procedures from the very people that they affect, hence having the potential for actionable outcomes (Ritchie and Spencer 2011). This justifies the use of this analytic method for this research project.

Although framework analysis is not aligned with a particular epistemological, philosophical, or theoretical approach (Gale et al. 2013), its ontological position adheres most closely to realism (Ormston et al., 2014), and is most commonly used for the analysis of semi-structured interviews (Gale et al. 2013), which is the data collection tool used in this project, hence providing further justification for its use in this study.

Framework analysis is a highly structured and systematic mode of analysis, with clear steps to follow, allowing a clear audit trail from the original raw data to the final output, including illustrative quotes (Ritchie and Spencer 2011). This enables easy access and retrieval to researchers other than the original researcher as well as to policymakers themselves (Ritchie and Spencer 2011). Framework analysis can be used both for deductive analysis involving data generated on the basis of pre-existing categories/themes, and for inductive analysis involving new categories/themes generated from participants' accounts, depending on the nature of the research question (Ritchie and Spencer 2011, Gale et al. 2013, Fletcher 2017). Fletcher (2017) stated that the use of framework analysis driven by a critical realist perspective also allows for abduction and for retroduction. Given that a substantial body of knowledge has already been compiled in the area of child maintenance payment obligations, but that the author also set out to increase the body of knowledge, the versatility of this analytic tool in terms of typologies of reasoning is another strong justification for its choice.

The defining feature of framework analysis is a matrix output of summarized data showing the categories/themes emanating in each case, which in this study is an interview. This allows data to be analysed and compared with ease, both within and across cases. The comparative element inherent to this analytic method therefore renders it the method of choice for this study given that the thesis set out to explore differing attitudes and behaviours in regard to child maintenance obligations.

Framework analysis may be critiqued for being too mechanistic and reductionistic, thus decontextualizing the data: to counteract this, Smith and Firth (2011) advise reading all

transcripts again during the process of data analysis to consider the phenomena as a whole, as was done by the author. Before describing the framework analysis method, it is necessary to outline the sample characteristics including the binary categorization of data which formed part of initial analysis of data and was used in the analytic framework.

5.4.2. Sample characteristics

Thirty-seven potential participants expressed interest in the study, of which 6 later changed their minds and were not interviewed. The final sample therefore consisted of 31 fathers. In terms of recruitment pathways, most interviewed fathers (16) were recruited via online posts. Nine participants were recruited through snowball sampling. Four participants agreed to take part after referral from professionals who knew about this research. One participant was recruited through a lawyer and one participant was recruited from a face-to-face support group. This is in tune with later research on recruiting fathers (Yaremych and Persky 2023) which reported that father-targeted internet-based recruitment methods were the most cost- and time-efficient recruitment strategies.

Tables 2 and 3 show an overview of circumstantial variables for the sample of 31 fathers, categorized as consenting (12) or dissenting (19) payers on the basis of their last past relationship involving children. This categorization was borne using abductive data analysis. The introductory chapter presented arguments by Weaver (2009, 2015) on the importance of policymakers listening to all targets of public policy and understanding barriers to compliance with a view to matching policy measures to these barriers. This was highlighted in chapter 1 which showed how scholars listened to both compliers and noncompliers and sought to understand which factors aided or impeded compliance. Given the research gaps that underscored the need for this study in Malta, it was important to compare and contrast the views of two groups of policy targets: those who were *more*, and those who were *less*, willing to comply. It was hoped that differing views would emanate from data and the sampling strategy itself did not in any way aim to capture different views. Only one previous study, that by Bradshaw et al. (1999) directly compared two groups of fathers with differing attitudes towards compliance, and the authors used the categorization 'payers' versus 'past or enforced payers'. In this study sample, however, all fathers bar three were currently paying child maintenance,

rendering it inappropriate to categorize fathers into 'payers' and 'nonpayers' groups. Additionally, as will be discussed in the analysis chapters, not all dissenting payers had been coerced into payment; furthermore, some fathers expressed willingness to pay parts (such as the monthly sum or the health and education expenses), but not all, of their child maintenance obligations. For these reasons, the dissenting group could not be described as 'coerced', nor could 'willingness' be used as a categorization criterion. Hence, another type of binary categorization had to be used in order to compare and contrast two groups of payers with differing attitudes and behaviours in regard to child maintenance payment compliance. It was decided that the most appropriate categorization was that of 'consenting' or 'dissenting' payers: these terms are in existence, although not in the area of child maintenance studies (see, for example, Klass, 2004). In this study, consenting payers were fathers who did not express reticence to pay in regard to their formal child maintenance obligations and had reportedly always been compliant with formal child maintenance payment obligations. Conversely, dissenting payers all expressed reticence to pay child maintenance obligations on a number of different grounds and the majority had past or present difficulties with compliance to part or all of formal child maintenance obligations.

The three fathers not currently paying any maintenance to their last ex-partner were: George, Liam, and Gerard. It transpired during the interview with George that he had actually stopped paying some years ago when his obligation expired as his teenage child found a job. It felt awkward to stop the interview and inform him that he was not eligible to take part, and he still made a valid contribution to the study, so it was decided to include him in the study as a (past) consenting payer. Liam and Gerard were categorized as dissenting payers. In the case of Liam, he had separated informally from his third (and last) ex-partner and there were no reported post-separation parenting arrangements in place, although he said he had made informal contributions. He was still eligible to take part in the study as he had formal post-separation parenting arrangements in place with his second ex-partner. His profile in terms of his relationships with his previous two ex-partners fitted that of a dissenting payer. Gerard did not yet have formal arrangements in place and was not currently paying child maintenance. During the initial telephone call it had been agreed to meet after he had signed the separation contract but when he came for the interview he said he was still on the brink of signing the separation contract in which he had somewhat reluctantly

agreed to pay a monthly sum of child maintenance for his younger child (now an adult) until the child turned 23. He was therefore included in the dissenting payer group. Of note is that Karl was an atypical consenting payer in that reportedly, as per contract, he had a shared parenting agreement and was paying for half the health and education expenses, but did not pay a monthly sum of child maintenance.

The majority of fathers (29) only had one past relationship involving children. Six were currently living with a new partner or re-married but only one of them, Christian, had a child from his current relationship. All fathers had access to children aged under 18 from their last past relationship at time of interview except for three fathers from the dissenting payers' group. Pen portraits of all participants are provided in Appendix J.

Participants' ages ranged from the 30-34 year age bracket to the 55-59 year age bracket, with the modal age bracket being the 45-49 age bracket (10 participants). The majority of participants (28) were Maltese nationals whereas three were from other European countries but had separated under Maltese law. Research sub-question 4) sought to answer how fathers' construction of non/compliance is influenced by their religious attitudes and behaviours. It transpired that religious beliefs were not influential in shaping fathers' standpoints around maintenance obligations. Data gathered from the brief questionnaire relating to fathers' religious beliefs and practices showed no discernible differences between consenting and dissenting payers in terms of type of faith held, with all identifying as Roman Catholic, bar one participant in each group who identified as atheist/agnostic. In terms of how often they practice their faith, there was more frequency of non-mainstream, irregular, or no practice amongst dissenting payers (10) as compared to consenting payers (4). But none of the fathers accounted for their standpoints regarding child maintenance payment obligations in terms of their religious beliefs. Further relevant demographic data is given in ensuing chapters.

TABLE 2 Overview of consenting payers' life circumstances

Pseudonym	Number of past relationships involving children	Currently has live-in partner or not	Number of children from current relationship if any	Total number of children	Number of children from last relationship	Has access to nonresident children under 18 from last relationship or not	Currently paying monthly child maintenance to last ex-partner or not
Alan	1	Yes	0	1	1	Yes	Yes
Simon	1	No	0	2	2	Yes	Yes
Gabriel	1	No	0	1	1	Yes	Yes
Ken	1	No	0	1	1	Yes	Yes
George	1	No	0	1	1	N.A.: Child 18+	No (past payer)
Mark	1	No	0	1	1	Yes	Yes
Alfred	1	No	0	1	1	Yes	Yes
Omar	1	No	0	1	1	Yes	Yes
Lorry	1	No	0	1	1	Yes	Yes
Karl	1	No	0	1	1	Yes	No ⁵
Owen	1	No	0	2	2	Yes	Yes
Christian	1	Yes	1	2	1	Yes	Yes

⁵ Paying only towards health and education expenses

TABLE 3 Overview of dissenting payers' life circumstances

Pseudonym	Number of past relationships involving children	Currently has live-in partner or not	Number of children from current relationship if any	Total number of children	Number of children from last relationship	Has access to nonresident children under 18 from last relationship or not	Currently paying monthly child maintenance to last ex-partner or not
Ryan	1	No	0	1	1	Yes	Yes
Dan	2	Yes	0	3	1	Yes	Yes
Nathan	1	No	0	1	1	Yes	Yes
John	1	No	0	2	2	Yes	Yes
Russell	1	No	0	1	1	Yes	Yes
Gary	1	No	0	1	1	Yes	Yes
Liam	3	Yes	0	4	1	No	No
Bruce	1	Yes	0	1	1	Yes	Yes
Gerard	1	No	0	2	2	N.A.: Children 18+	No
Douglas	1	No	0	2	2	Yes	Yes
Max	1	No	0	1	1	Yes	Yes
Eric	1	No	0	3	3	Yes	Yes
Jason	1	No	0	1	1	Yes	Yes
William	1	No	0	2	2	N.A.: Children 18+	Yes
Stefan	1	No	0	2	2	Yes	Yes
Trevor	1	No	0	2	2	No	Yes
Tom	1	Yes	0	1	1	Yes	Yes
Terence	1	No	0	1	1	Yes	Yes
Samuel	1	No	0	2	2	No	Yes

5.4.3. Framework analysis method

Framework analysis was carried out in the manner explicated by Ritchie and Spencer (2011), Gale et al. (2013), and Fletcher (2017). The transcripts had numbered text lines and a large margin on the right where notes were made and text coded.

The first step in framework analysis is familiarization and involved reading each transcript a number of times and listening to the audiotape in order to actively engage with the text, and in so doing become aware of ideas and themes. In the process of doing so, reflections on ideas, themes, and the emotional timbre of the narrative were noted.

The second step is coding, in which each line of the transcript is labelled or coded, with the code being noted on the right-hand side of the margin. Gale et al. (2013) define a code as a descriptor of what the researcher identified in the text as important, and state that all the text data has to be coded in order to allow for systematic comparison with other parts of the same transcript as well as with data from all other transcripts. As has been stated before in the section on the rationale for framework analysis, the coding can be inductive (generated from the text itself) or deductive (based on pre-existing themes). Following Fletcher (2017), in this study, a flexible deductive approach consistent with critical realism was adopted. Codes were adopted from the literature review and theoretical frameworks, with the process allowing for reformulation of existing knowledge (Fletcher 2017). Data that did not fall into preconceived codes was also coded. This requires the skills of not being too attached to certainty and of adaptivity and flexibility, in order to generate rich and nuanced findings that can embrace and explain the complexity of social issues (Gale et al. 2013) as is the topic of child maintenance payment obligations.

The third step is the development of a working analytic framework, in which codes were grouped into categories (themes) based on their relatedness to each other. Gale et al. (2013) highlighted the importance of having an 'other' code to avoid ignoring data that does not neatly fit into the existing categories. The fourth step involved the application of this framework in terms of coding subsequent transcripts and modifying the analytic framework, which as stated earlier is refined throughout and is never final until the last transcript has been coded (Ritchie and Spencer 2011, Gale et al. 2013, Fletcher 2017).

The fifth step involved the data being charted into framework matrices. According to Gale et al. (2013), the matrix should strike a balance between the reduction of data and the retention of its original meaning, feel and context. Ritchie and Spencer (2011) stated that the format of the table should be developed in the manner perceived to be the most appropriate way to report the research. In this study, framework matrices were developed in three Excel sheets, with an Excel sheet showing the categories pertaining to all cases for each analysis chapter. Each cell summarized the data by category from each interviewee's transcript, and some cells included illustrative quotations intended to be reported in the discussion chapters of the thesis (Appendix K).

The sixth step involved the analysis of the categories in the chart. According to Ritchie and Spencer (2011, p. 322), this consists of "defining concepts, mapping range and nature of phenomena, creating typologies, finding associations, providing explanations, developing strategies...". Fletcher (2017) refers to what critical realists called 'demi-regularities': rough trends or broken patterns in empirical data. This was done concomitantly with the attempt to faithfully represent participants' attitudes, behaviours, and experiences which is also a core task of analytic work according to Ritchie and Spencer (2011).

For the purposes of constant comparison, in the ensuing three findings chapters, each section discusses consenting payers first followed by dissenting payers. Argumentation is substantiated by direct quotations from interviews. Quotations from interviews which had been conducted in Maltese were translated by the author who tried to ensure that correct English grammar and syntax were used whilst staying as faithful as possible to participants' original Maltese wording.

5.5. Reflections on the Author's Various Positions in the Study

A key part of qualitative research is how researchers publicly account for themselves (Anfara et al. 2002). Ruslin et al. (2022) reflected on semi-structured interviews as dialogic exchanges resulting in the co-creation of knowledge between researcher and participants, with the outcome dependent on researcher skills including handling of contextual and reflexivity issues. Additionally, the systematic nature of framework analysis does not render it a solely technical process: the analysis is influenced by the characteristics of the researcher carrying it out, with conceptual and creative abilities

including both logical and intuitive thinking skills being involved (Ritchie and Spencer 2011). The participants' subjective accounts and constructions of experiences are filtered by the researcher, whose analytic skills and choices around how to frame and represent the themes affect the research process and outcome.

Berger (2015) defines reflexivity as follows:

“...reflexivity is the self-appraisal in research. It means turning of the researcher lens back onto oneself to recognize and take responsibility for one's own situatedness within the research and the effect that it may have on the setting and people being studied, questions being asked, data being collected and its interpretation” (p. 220).

It is a major strategy for quality control in qualitative research (Pillow 2003, Berger 2015). Mauthner and Doucet (2003) showed how the 'choices' we make in our research in regard to both theoretical and methodological perspectives are inextricably bound up with researchers' academic and personal biographies. This section will therefore discuss how this study could have been impacted by the author's personal characteristics and experiences with a special focus on three key areas: gender, professional experience, and personal non-experience of the phenomenon under study.

The author identifies as a female raised in a traditional nuclear Roman Catholic family. These demographics, together with her positive perception of the roles played by her father in her family, may have influenced the research process in regard to questions and prompts asked and to data analysis. For example, her religious family background could account for her interest in the possible influence of religion. The author's personal biography could have influenced her to take a favourable view of fathers' needs for affiliation with children.

The author's past professional training as a family therapist exposed her to the humanistic and systemic perspective in which different family members' perspectives are understood, empathized with, and seen in a broader (community, societal) context. This training proved helpful in terms of a non-judgemental and empathetic stance, and in terms of allowing fathers to share their emotions without exacerbating their distress. At the same time, the author put a lot of effort into restraining from intervening therapeutically. Experience as a clinician could also have impacted the research in that

there were times when clinical intuition led the author to avoid probing any further on issues she felt the client was not disposed to discuss.

Of particular interest may be the role played by gender, which is a visible component of personhood, and how this is reconcilable with designing a study aimed at foregrounding male points of view. Such a question takes on added significance in the context of research in which gender and power issues between men and women, both during their relationship and following their relationship dissolution, are central. This can also affect reflexivity itself: Berger (2015) questioned whether gender has more effect on reflexivity when gender issues are being researched. Besides the author's past training as a family therapist, her readings in family studies and social policy also brought to bear on how she reconciled womanhood with foregrounding male points of view in this research. This training helped shape her belief that an understanding of fathers' perspectives and policy action outcomes intended to address them can actually further the feminist cause. Such a position was presented by Gatrell (2006) who reversed her original decision to exclude men from her study on women's career and employment decisions and work-life integration after she discovered that she could not effectively explore her research questions without taking men's perspectives into account.

Another question relating to the influence of gender on the study is that regarding how gender was 'done' in terms of the power dynamics involved when a female researcher interviews male interviewees. Gatrell (2006) reported that literature on female researchers interviewing males portrays the researcher as the weaker party, with men either being unhelpful in terms of being unforthcoming and repressed, or using strategies to assert their masculinity, including potential violence. Neither of these scenarios were the case in this study. The fathers interviewed were generally articulate and self-disclosed on highly sensitive issues, expressing emotions with intensity including love, hate, anger, and pain. Some of the fathers cried at some point in the interview – some visibly, whereas others had tears welling in their eyes which they held back. Some interviewees were physically agitated as they expressed distress or anger, but none said or did anything that was threatening.

However, gendered interactions still occurred in other ways. Although researchers may be seen as being in a position of power due to having control over the agenda and schedule, there may be a sense of powerlessness due to dependence on the

participants' cooperation on their research project (Gailey and Prohaska 2011), especially in the light of De Tona (2006)'s assertion that participants may be more willing to share their experiences with a researcher whom they perceive as sympathetic to their situation. Throughout the interviews, the author felt responsible for ensuring that fathers did not feel judged discussing a stigmatizing subject and their honest thoughts and feelings about women and macrosystemic gender issues. The author therefore felt obligated to listen without replying as the fathers interviewed expressed their views. Much as the author had to resist acting therapeutically, she also had to resist engaging in academic debates on their views. This echoed Gailey and Prohaska (2011)'s feelings of psychological vulnerability when they interviewed men about sex and sexually degrading practices. However, the author also shared similar experiences to Gatrell (2006) in that some of the fathers interviewed seemed aware that their views might be regarded as contentious or offensive to women and tried to present them in such a way that the author would not be offended. After the interview, some fathers even offered an apology in the event that the author had been offended.

The last reflections on how personhood affected the research process relates to the fact that the author does not have any personal experience of child maintenance payment obligations. In this sense, she identifies with Berger (2015)'s concept of 'stranger in a strange land' to describe the experience of researching an unfamiliar situation. Berger (2015) stated that benefits of this type of researcher position include the strength of approaching the topic from a fresh vantage point and empowerment of respondents by virtue of their being in an expert position. Fathers expressed gratitude at research being conducted in the area, and some were of help in recruiting other fathers. Berger (2015) discussed challenges to researchers studying areas in which they lack direct experience. These included challenges recruiting, as in having to accumulate knowledge about informative and helpful resources along the way; conceptualizing a research question relevant to participants' experience; lack of language sensitivity; difficulties identifying latent and subtle expressions of themes; interpreting through judging lenses; and not fully understanding what it is like to experience their situation. Pillow (2003) debated whether researchers who do not have personal experience of the research topic can ever really comprehend and convey the participants' experience despite the presence of self-reflexivity. This is compounded by limits to self-awareness. As Mauthner and Doucet (2003, p. 425) wrote in their retrospective account of their doctoral works:

“There may be limits to reflexivity, and to the extent to which we can be aware of the influences on our research both at the time of conducting it and in the years that follow. It may be more useful to think in terms of ‘degrees of reflexivity’, with some influences being easier to identify and articulate at the time of our work while others may take time, distance and detachment from the research.”

This being a thesis, it was not possible to have transcripts coded by other researchers with different life experiences and reflexivity skills as is suggested in regard to framework analysis (Gale et al.2013), although work was overseen by the author’s supervisors and Thesis Advisory Panel advisors – all highly experienced researchers with different life experiences.

5.6. Ethical Considerations

The study received ethical approval by SPSW Ethics Committee in June 2019. Given that the study would be conducted in Malta, ethical permission was also sought from SWB FREC and granted in July 2019. Initial forays in fieldwork brought up the need to seek permission from SPSW Ethics Committee and SWB FREC to make amendments to eligibility criteria and the recruitment strategy. Approval of these amendments was given by SPSW Ethics Committee in October 2019 and seconded by SWB FREC in December 2019. This section discusses the most pertinent ethical issues that arose during the course of this study.

5.6.1. The use of internet for recruitment

Family researchers are increasingly utilizing the internet to recruit participants (Hokke et al. 2018). The internet and social platforms offer researchers various advantages, including inviting a large audience quickly (Hokke et al. 2018), and reaching a wider segment than may otherwise be accessible (Gelinias et al. 2017), at relatively little or no expense (Fileborn 2016, Hokke et al. 2018). A disadvantage of use of online media for recruitment is the digital divide, resulting in the exclusion of potential participants who do not use such media although this is mitigated by using a blend of online and offline methods (Hokke et al. 2018).

Gelinas et al. (2017) opined that adherence to ethical principles in the use of the internet and social media for research projects should be evaluated in the same way as in the case of more traditional offline methods. The use of internet and social media in research should be governed by the same traditional ethical principles of respect, integrity/justice, and beneficence (Lunnay et al. 2015, Gelinas et al. 2017). However, the use of internet and social media poses unique challenges (Hokke et al. 2018), with the two most salient issues being respect for privacy of social media users and investigator transparency (Gelinas et al. 2017). In the light of these unique challenges, Gelinas et al. (2017) advise researchers to normalize the online procedure in terms of mirroring the offline procedure as far as possible, whilst evaluating any differences in terms of relevant ethical norms and considerations. This was followed in this study in that the promotional blurb (Appendix B2) essentially consisted of most of the wording of the brief information sheet disseminated to face-to-face group members, with some modifications relating to contact details: those interested were asked to contact the author via personal message or email rather than being given the author's mobile telephone number. The principle of investigator transparency raised by Gelinas et al. (2017) was heeded by sending a personal message to the group/page administrator asking for permission to access the group/page in the author's capacity as researcher and to post about the study. Social media users were asked not to comment on the post in order to protect their anonymity.

5.6.2. The interviewing procedure

During the initial telephone call with participants following their expression of interest in the study, participants were thanked for having expressed interest in the study. Prior to each interview they were given the detailed information sheet (Appendix D) and invited to ask questions. When all was clear to participants and they were in agreement with conditions governing participation in the study, they were asked to give their formal informed consent by signing the consent form (Appendix E). Participants who were interviewed at the author's office were offered light refreshments and reimbursed for round-trip fuel costs, calculated according to an official table issued by the University of Malta Finance Office.

The interview guide is shown in Appendix F and was based on the international literature review, with the questions aiming to explore the themes that had emerged as

important in extant literature. Questions were drafted in the smoothest sequence thought possible, as advised by Adams (2015). Questions on child maintenance were positioned towards the end of the sequence rather than in the section that included questions on fathering to avoid conflating maintenance payment with good fathering. Question 11 asked fathers a scaling question in regard to how satisfied they were with current maintenance arrangements. The aim of this question was to help elucidate fathers' stances around their child maintenance choices. In order to collect some important demographic data that would help contextualize the findings, a brief questionnaire (Appendix G) was given to participants to fill in at the end of the interview, in tune with the recommendation by Adams (2015) to collect data on sensitive topics (such as salary/wage bracket, and religious beliefs/practices) at the end to avoid discomfort going into the interview.

During interviews, the author did her best to actively listen to participants' story, to take an empathetic approach as an interviewer, and to make sense of their story, experiences, and perspectives in her own mind. Best use of the flexibility of the interview guide was made by altering the order of the questions according to their narrative rather than rigidly sticking to the original order of questions, and by probing in order to help build a more informative construction of their narrative.

Following the interview and the brief questionnaire, participants were given a sheet listing possible sources of help (Appendix H). The list of helping professionals in private practice had originally been compiled for the author's previous study (see Casha 2014 for details). Prior to gaining ethical approval for the present study, the author called all professionals on the original list, briefed them about this study, and asked them whether they were interested in giving their contact details to study participants. All accepted except for one professional who had significantly cut down on his private practice in view of new commitments, and who was therefore taken off the list.

Finally, fathers were given a *One4all* voucher valued at €15 and redeemable at service and sales outlets across Malta and Gozo, as a small thank-you gesture. In the case of fathers interviewed via Skype/Zoom or telephone, this was sent by post. Most fathers were reticent to accept the reimbursement for transport and the voucher, emphasizing that they had participated with the twofold aim of shedding light on fathers'

experiences and helping to bring about social change, at least for future generations if not for the present one.

5.6.3. Data management and presentation

Researchers have a dual mandate to report their findings whilst upholding confidentiality (Wiles et al. 2006, Damianakis and Woodford 2012). Confidentiality was defined by Wiles et al. (2018, p. 418) as “not disclosing any information gained from an interviewee deliberately or accidentally in ways that might identify an individual.”

Maintaining confidentiality of raw data is one form of confidentiality (Wiles et al. 2006). A data management plan was used in order to ensure appropriate data storage and access. Paper documents, such as the signed consent form and filled-in questionnaire, were stored in a locked bookcase. Given time constraints, most of the transcription was outsourced to transcribers, who signed a confidentiality agreement based on a template provided by the UK Data Service and approved by SPSW Ethics Committee and SWB FREC (Appendix I).

Another vital component of confidentiality is anonymization, which involves the processing of data presentation in an attempt to protect the identity of research participants (Wiles et al. 2006). Confidentiality cannot be assured: the extent to which it is successful depends on the research context (Wiles et al. 2006). Protecting confidentiality in a contemporary research context is rendered complex by online access to publications (Saunders et al. 2015). It is also complicated when engaging “small connected communities” defined by Damianakis and Woodford (2012, p. 708) as “small groups or networks in which individuals know one another or know of one another - for example, through a third party or through one’s work and reputation.” Malta, being a face-to-face community featuring high visibility (Abela 2013), can be conceptualized as a small connected community.

Anonymization is a complex and nuanced process which has to be undertaken whilst maintaining the integrity of the data (Saunders et al. 2015). Distorting data may compromise the transparency of research and assessments of its reliability and rigour in a context in which readers are unaware what anonymization involved and cannot assess its impact on data interpretation (Wiles et al. 2006, 2008). With this dilemma and the Maltese research context in mind, and in keeping with suggestions by Saunders et al.

(2015), the following were the main data modifications undertaken by the author in order to protect confidentiality as best possible. Pseudonyms were assigned to participants. Wherever possible, general terms were used in place of more specific ones: for example, the term 'ex-partner' was used in place of both 'ex-wife' and 'ex-partner', and legal professionals were referred to as 'they' rather than 'he' or 'she'. Quotes which could identify the fathers in question were reproduced but not attributed to participants. Parts of data which could identify participants were altered. For example, following the *viva voce* exam, exact job type was replaced with more general job category descriptions; and exact monetary amounts were substituted by approximations or ranges.

5.7. Conclusion

This chapter narrated the research journey by discussing the entire methodological process: from designing the study, to ethical approval, recruitment, data collection and analysis. The next three chapters present the results of the data analysis work by discussing how fathers' choices around child maintenance obligations are influenced by their appraisal of the justice system (chapter 6); their appraisal of financial contexts (chapter 7); and their views on parenting (chapter 8).

CHAPTER 6: Fathers' Appraisal of the Justice System

This chapter and the next two present evidence from interviews to address the overarching research question: 'Why do separated/divorced fathers in Malta have different attitudes and behaviours towards child maintenance payment obligations?' This chapter addresses the research question by examining fathers' appraisal of the justice system; chapter 7 by examining fathers' appraisal of financial contexts; and chapter 8 by examining fathers' views on parenting. Ultimately, fathers' stances towards child maintenance payment were influenced by a composite of factors, and therefore, where needed, cross-references to other findings chapters will be made. For the purposes of constant comparison, in all findings chapters, each section discusses consenting payers first followed by dissenting payers. Argumentation is substantiated by direct quotations from interviews. In cases where original quotations were in English, the word [sic.] is used following the quote. Findings are discussed in the light of extant literature at the end of relevant sections.

This chapter will provide the background context to negotiation of post-separation arrangements and address research sub-question 1) which is 'How is fathers' construction of non/compliance influenced by their understanding of the workings of the justice system, and the meaning they make of their experiences of it?' It starts by presenting and discussing the legal nature of fathers' post-separation parenting arrangements before discussing thematic findings from the interviews which relate to appraisals of: lawyers, mediation, and the justice system.

Table 4 shows data about the legal nature of fathers' parenting arrangements for their last past relationship involving children. For all consenting payers, such arrangements had been governed by a contract signed by both parties: however, George, the past payer, had no current arrangements as his child was now of age. One case is unclear: Owen reported experience of court litigation and of having subsequently agreed terms, but it was unclear whether they had signed a contract or whether final court judgement had been passed taking into account terms they had agreed on. The majority of fathers in the dissenting payers' group (9) had interim arrangements and were still undergoing legal proceedings. Five dissenting payers had post-separation arrangements governed by means of a contract. Three dissenting payers had originally signed contracts, but

were currently involved in new mediation proceedings or engaged in court litigation proceedings, such that court judgements had overridden original contract agreements. Two dissenting payers did not have arrangements in place: as explained in chapter 5, one, Gerard, was about to sign a separation contract with his ex-partner; the other, Liam had no formal arrangements in place with his last ex-partner.

TABLE 4 Nature of fathers' parenting arrangements for last past relationship involving children

Nature of post-separation parenting arrangements	Number of consenting payers	Number of dissenting payers
Contract	10	5
Re-opened mediation or undergoing court litigation subsequent to contract	0	3
Interim arrangements: parties undergoing mediation	0	1
Interim arrangements: parties undergoing court litigation	0	8
No current arrangements in place	1	2
Unclear	1	0
TOTAL NUMBER	12	19

There was no difference between groups in terms of the average length of time since separation (five years for both groups), but more dissenting payers had been separated within the past five years (15 in all, as opposed to 6 consenting payers). There was no meaningful association between length of time since separation and the nature of fathers' post-separation parenting arrangements. Of the eight dissenting payers who were still undergoing court proceedings, two had been physically separated for up to a year, three for 4-5 years and three for 8-10 years. Most dissenting payers were gridlocked in conflict with their last ex-partners over parenting arrangements, resulting in greater involvement with the justice system.

6.1. Appraisal of Lawyers

The majority of fathers in the study appraised lawyers, with consenting payers tending to report positively and dissenting payers tending to report negatively in this regard. A related difference between groups was the general trend for dissenting payers to hire and fire more lawyers than did consenting payers: from the consenting payers' group, only two reported having once changed their lawyers, whereas twelve dissenting payers reported having changed up to four different lawyers/law firm teams throughout their litigation processes. Fathers' appraisal of lawyers was linked to: their evaluation of the

extent to which they felt lawyers were on their side in terms of work ethic and acting on their interest; perceptions of lawyers' ability to defuse conflict; and their views on accepting lawyers' advice and on compromise.

6.1.1. Satisfaction with lawyers' work ethic

Fathers expected lawyers to provide value for money by putting in the requisite work. From the consenting payers' group, only Mark and Owen reported difficulties in this regard. Mark did not have a favourable impression of his lawyer's work ethos but had a good impression of the female partner in the law firm who was reportedly more capable and did the bulk of the work. Owen was dissatisfied with the work of his first lawyer, who did not always turn up for court sessions. He fired them and hired a new lawyer whom he was very pleased with, not only because they charged more reasonable rates than the first lawyer, and sometimes even forfeited the fee, but also because he perceived them as having been successful on the job in that he won primary carer status, although he later relinquished this due to challenges involving childcare.

Amongst dissenting payers, John discussed work ethic in relation to the free legal aid he had at one point in time, which he described as a disaster: the free lawyer reportedly did not contact him, nor did they do any work. He also vociferously argued against paid lawyers who complain about being busy, saying they should not take the case. A related issue was lawyers sending other staff in their stead for court sessions. Whereas Jason reported having an excellent relationship with the original lawyer he had hired and with others sent in their stead, Gerard and Samuel complained about movement of staff to deal with their case. Gerard's lawyer sometimes sent lawyers in their stead who were reportedly not briefed on the case. They felt irate and shortchanged as their case was not assigned its due importance.

6.1.2. Lawyers' representation of fathers' interests

From the consenting payers' group, Gabriel, George, and Karl discussed the importance of lawyers informing them of, and working to protect, their rights and interests. Karl reported that he experienced his lawyer, who reviewed the draft contract he and his ex-partner had drawn up and gave recommendations, as very helpful given that his lawyer had prior experiences of equal shared parenting cases and backed the idea. For Gabriel, the lawyer protecting his interests was especially important during a time when he "did

not know what had hit him” to use his own phrase. He mentioned his lawyer having alerted him about not making potentially disadvantageous moves, although he did not specify what they were.

Lorry’s account underscored the importance fathers assigned to lawyers being fully on their side. Lorry reported being impressed by a lawyer’s empathy with his level of grief. But because this lawyer had been nominated by his ex-partner to represent them both, he ultimately chose not to appoint them, fearing they would take a neutral stance and not be fully on this side. This was despite his reportedly (as will be discussed in chapter 8) having given his ex-partner a generous share of household assets in order to psychologically move on.

Christian was the only consenting payer who was retrospectively critical of his lawyer’s stance in regard to backing his interests. He perceived himself as having made a mistake in appointing a friend of his as a lawyer, who had encouraged his negotiation strategy – discussed in chapter 8 – of giving up more assets than due in the hope that this would result in reconciliation. Christian, who planned to re-negotiate arrangements in future, now had a new lawyer.

Dissenting payers tended to be dissatisfied with their lawyers’ performance in terms of acting on their interests. In John’s case his former lawyer had not specified access arrangements in the contract in the event of disagreement on open access, thus failing to have the foresight to protect his interests. Douglas reported that a former lawyer did not accurately represent his views during sessions. Dissenting payers were particularly angry with lawyers whom they perceived as not having a heart in the job, being reticent to fight for their cause, and/or being biased towards mothers. Samuel was angry that one of his former lawyers had told him he was right before he hired them but told him afterwards that there was nothing that could be done about his case. Similarly, Russell stated:

“...I told [referring to former lawyer], ‘So do you mean to tell me that I should leave my child with people who are alcoholic, is that good for you?’ The reply: ‘It’s not good but you can’t do anything about it.’ ” (Russell, dissenting payer)

Tom similarly felt there was bias towards mothers as well as feeling he was dismissed as irrelevant:

“[referring to lawyer]...was telling me feminist...ideas...That the child is...borne from her womb...My *own* lawyer. I mean, the system is totally skewed...towards...the woman...Irrelevant what the man went through...” [sic.]
(Tom, dissenting payer)

Ryan was also dissatisfied with the performance of his lawyer – who was a friend – during proceedings, vis-à-vis the performance of lawyers of the opposing party who had clout in the area of family law.

In some cases, lawyers were perceived as not fighting their causes due to role conflict, either in terms of kinship relatedness, or of collusion, with opposing legal representation. Russell gave two examples, relating to two different lawyers he had, to support his argument. In one case, the opposing party acted on a piece of information he had imparted to his lawyer, who had ostensibly discussed the matter with the opposing party without his permission. In another case, a lawyer who had impressed him with their argumentation during a mediation session fired him by text following the session, informing him that he did not have the right attitude. He attributed this to some communication having gone on between the lawyers’ parties. Russell believed that opposing lawyers agree to “win some and lose some” in order to guarantee income. He was satisfied with his current lawyer’s performance in terms of taking into account both parents’ interests as well as giving realistic advice.

6.1.3. Willingness to accept lawyers’ advice and to compromise

The frustration of a lack of guidance was only discussed by John, a dissenting payer. He wanted clear guidelines, but his lawyer said this was not possible and referenced the discretion of the judge, which for John related to the possibility of injustice. Other fathers, however, discussed their views on, and reactions to, their lawyers’ advice.

In tune with the finding – which will be discussed in chapter 8 – that consenting payers tended to be more accepting of exchanging child maintenance for access, there was evidence that consenting payers tended to be more accepting of compromise with the opposing party, and of accepting lawyers’ advice in this regard:

“...we came to an agreement, the middle road...Normally one lawyer asks for a bit more and yours asks for a bit less, but we had already agreed.” (George, consenting payer)

“...at the very end, everyone ceded a bit...” (Ken, consenting payer)

Ken had originally found it unfair that his ex-partner requested a share of assets which she had not contributed to in his view. Despite this, he gave her what was legally owed to her, including half the sum of money which he still owed on property he bought before the marriage. He was informed by his lawyer that this was her due and accepted this decision despite not feeling it was just. Likewise, Gabriel discussed how his lawyer advised him that wear and tear reduced the value of certain items and reflected on the importance of acceptance of the lawyer’s advice.

Lorry accepted his lawyer’s advice to give his ex-partner around €200 of child maintenance per month. However, he went against his lawyer’s advice in terms of reportedly giving her more than her due share of household assets as will be discussed in chapter 8. From the consenting payers’ group, Owen was an exception in terms of reporting a negative experience of his lawyer’s advice. When he anticipated difficulties with paying his ex-partner’s initial proposed child maintenance amount, his lawyer gave him advice reflecting gendered assumptions:

“They told me, ‘What are you thinking? That she’s [referring to ex-partner] going to have her nails and hair done every week?’ I replied, ‘What does that have to do with it?’ They told me to go and find another job...they threw me overboard.”
(Owen, consenting payer)

As reported earlier on he ultimately fired this lawyer due to their not turning up for sessions. Nevertheless, he still reported on negotiating compromise with his ex-partner at a later stage.

Dissenting payers tended to be more reticent to accepting advice to compromise especially along the lines of the male provider/female carer model of arrangements. Max was angry at his ex-partner’s lawyer reportedly having written to him to consider paying more in order to gain more access. Like consenting payers, dissenting payers also wanted lawyers to act in their interests, whether these interests related to not paying more than child maintenance than they deemed fair, or to their belief that they should have more access or primary residential parent status, as in Bruce’s case due to his reportedly mentally-ill ex-partner:

“...they started telling me things like ‘Why don’t you give her the money and let her have the child?’ I said, ‘Are they serious?’ and changed them. I want someone to stand up for my child.” (Bruce, dissenting payer)

Nathan opposed what he saw as a culture of compromise on lawyers’ part. He reported having been coerced to accept terms during negotiations, and believed lawyers tried to create a win-win situation by coercing clients to compromise, which he saw as not always being a good thing.

William was the only dissenting payer to report that both he and his ex-partner had both ceded to an extent prior to signing the contract. Some dissenting payers reported on having accepting advice, albeit reluctantly. Tom was angry at having been advised to move out of the matrimonial home by his lawyer. Terence reported that his lawyer had advised him to offer his ex-partner “blood money” for access:

“...blood money was the phrase used...they told me it won’t break the bank, the important thing is you will have access to your child.” (Terence, dissenting payer).

Although Russell had not accepted a former lawyer’s advice to compromise as he was not ready to accept having his child brought up in what he saw as undesirable environments, he had more recently agreed to pay child maintenance to strengthen his case regarding access, as advised by his current lawyer, despite initial reticence to do so. Perhaps his perception that his lawyer backed his interests influenced him to accept their advice. Gerard had also somewhat reluctantly accepted what his lawyer had advised him to do: pay child maintenance for his younger child until the child turned 23. Ryan regretted having agreed to pay child maintenance and wanted to re-negotiate arrangements in future. The agreement had been reached partly due to his lawyer’s advice that he should pay child maintenance given that his ex-partner had primary carer status, and he had felt coerced to “fight” for the currently agreed monthly sum, a lower figure than what his ex-partner had originally asked for.

6.1.4. Perceptions of lawyers’ handling of conflict and of lawyers’ fees

Another theme in regard to fathers’ appraisal of lawyers related to their views of how lawyers handled conflict and hostility. Only two consenting payers addressed this issue. This was to be expected given that, as will be discussed in chapter 8, consenting payers

had not experienced as much conflict with ex-partners as dissenting payers had done, and that consenting payers had all signed contracts. Karl believed lawyers could potentially exacerbate conflict, so involvement of lawyers in their case was kept to a minimum and consisted of vetting their proposed contract. Alfred stated how helpful it was that his lawyer defused tension when his ex-partner's lawyer brought up a past episode of an undesirable behaviour on his part. Rather than responding, his lawyer opted to ask everyone to move on with negotiations:

“...I think if there had been other lawyers, less conscientious ones, they might have fuelled more to prolong the process, [mine] acted such as to quieten things down...not quieten, but...let's not stop at that and we move forward...” (Alfred, consenting payer).

Alfred also praised the conduct of his ex-partner's lawyer. Only Alan from the consenting payers' group gave a negative appraisal of the opposing party's lawyer, saying that they supported what he saw as excessive demands on his ex-partner's part. Dissenting payers were much more critical of lawyers. A few complained about their ex-partners' lawyers supporting falsehoods and creating conflict. John felt his ex-partner's lawyer perpetuated her abuse, ostensibly by supporting her obstruction of his bonds with the children. Others said:

“...they created...a false story that I was abusing the child.” [sic.] (Tom, dissenting payer)

“...what they want is I'm going to war with my ex-partner until the kids are twenty-one or whatever.” [sic.] (Stefan, dissenting payer)

Stefan did refer to his own lawyer having piled “heavy pressure” on the opposing party, although he did not acknowledge this as an exacerbation of conflict. Gerard talked about avoiding the involvement of lawyers, but it was reported as having happened by chance:

“...lately, we have found out that we are moving on better on our own, although the lawyer starts telling you not to trust the other person, but through experience and expenses we have realized and sometimes it's like...although I don't trust her and she doesn't trust me, we trust each other more and we get there more than we do with lawyers [involved].” (Gerard, dissenting payer)

More commonly, dissenting payers implied that lawyers were moneymaking. After years of conflict, Dan was advised by his lawyer to visit a notary with his ex-partner and draw up a contract as he could not attend the court sitting. Dan did that and was stunned to discover that it was approved by the magistrate when they attended a court sitting without their respective lawyers:

“So all that fighting we had with lawyers, as soon as we gave the magistrate the contract, it was accepted, it’s like we didn’t need lawyers...thousands you waste for nothing with these people.” (Dan, dissenting payer)

Dan implied lawyers were moneymaking. He had a negative experience of two previous lawyers, claiming the first one had not helped him, and gave detailed accounts of the ways in which they double- or over-charged him for various legal services. Max also implied moneymaking, but explicitly linked it to exacerbation of conflict or prolongation of the case. Whilst dealing with mental health challenges, medical staff on his case were reportedly complicit with his law firm in coercing him to respond very quickly to his ex-partner’s request for a separation. He later discovered through another lawyer that he actually had more time to respond. He viewed this as having been done on purpose, ostensibly so that his legal team could make money from the protracted conflict. William was an exception in reporting having been charged reasonable fees. Perhaps this partly reflected his less contentious path to separation involving the drawing up of a contract.

6.1.5. Reflective summary of section 6.1

The findings are in tune with those of Taylor (2004) who reported on mixed views regarding experiences of lawyers, and of Mandell (1995) who reported that lawyers’ performance was perceived by nonpayers as ineffective and inept at best and driven by cynical self-interest and greed at worst. Novel findings of this study, however, are that consenting payers held generally favourable views of their lawyers’ performance particularly in terms of representation of their interests, as opposed to dissenting payers who tended to negatively appraise lawyers’ performance and to be less inclined to accept lawyers’ advice and compromise.

These findings may be understood in terms of social negotiation theory (Pruitt and Carnevale 1993) which holds that legal third party workings themselves influence

negotiations and attitudes towards child maintenance compliance. Specifically in relation to the workings of lawyers, there are two interpretations of these study findings. One is in terms of the 'good' lawyering practices discussed extensively by Eddy (2017) which hinges on the degree to which lawyers are willing to support fathers' wishes and how they communicate their stances in this regard to clients. Some dissenting payers may have been fired by lawyers who perceived them as having a noncollaborative or at worst vindictive stance. A related, albeit more nuanced, interpretation in terms of Mather and Yngevsson (1981)'s two-way model of interaction is that lawyers which fathers (mostly dissenting payers) were dissatisfied with were not perceived as active enough in shaping the disputes in the light of clients' stories. This may be particularly evident in the consonance or dissonance between fathers' norms and the prevalent traditional arrangements underpinning the Maltese legal system, discussed further in chapters 8 and 9. Some consenting payers expressed being supported by lawyers and this may have continued to smooth negotiations and acceptance of agreements. Conversely, some dissenting payers were dissatisfied with lawyers who in their views upheld gendered constructions of post-separation parenting. This may have influenced them to change lawyers. A similar pattern of differences in satisfaction across the two groups emerged when discussing experiences of mediation.

6.2. Appraisal of Mediation

As discussed in chapter 4, mediation is mandatory under Maltese law for those filing for separation (MJCLG 2014) except for parties who separate by drawing up a deed of personal separation without recourse to mediation, in which case, however, the deed must still be reviewed by a mediator and ratified by a judge. Mediation is publicly funded, unless the parties opt to choose the mediator themselves, in which case a fee is applicable (MJCLG 2014). From the consenting payers' group, nine fathers reported on experiences of mediation, which led to signing a contract in all cases. In one case, that of Owen, it failed and led to court litigation. From the dissenting payers' group, experiences of mediation were discussed by 15 fathers. The accounts of five of these fathers indicated that mediation subsequently led to a contract being signed, although these cannot be called success stories in that fathers were unhappy with arrangements, which was also the case where contracts had been signed without recourse to mediation sessions. The accounts of fathers across both groups suggested that they

appraised mediation on the basis of their expectations for mediation to be a professional service yielding value for money; for mediators to be proactive; and for mediators to respect their standpoints.

6.2.1. Professionalism of service and value for money

Among consenting payers only Mark discussed professionalism of mediators. Mark perceived his mediator as having been very professional because they asked the parties whether they would like to have another mediator appointed given that they had worked with his ex-partner in this past. However, both were reportedly happy for the mediator to stay on.

Conversely, among dissenting payers, Gerard and Bruce appraised mediation negatively:

“It's a complete joke...waste of time, waste of money, frustration...” (Gerard, dissenting payer)

Gerard viewed mediation as bureaucratic: a typo in the draft contract document meant that they had to go again to sign, with the date when they had to go not having yet been assigned. In his opinion, sending the document round for signatures would have sufficed. He also reported that mediation was brief – barely lasting ten minutes – due in part to lawyers arriving late or forgetting to send requisite documentation. Bruce similarly reported on the brevity of sessions, but thought he had too many sessions, when in his view it should end after three sessions if unsuccessful. This he linked to making money out of clients:

“My experience: moneybox, they keep lengthening [the process], mediation: €60 for 5 minutes.” (Bruce, dissenting payer)

6.2.2. Proactivity of mediators

Among consenting payers, positive views of interventions made by mediators were reported by Ken and Mark. In Ken's case, the mediator's intervention seemed to help them become unstuck from a gridlock position during negotiations because the mediator asked him and his ex-partner to reflect on whether they wanted to spend years engaged in court litigation, although Ken also thought that his ex-partner might have feared going to court due to her not having declared assets to the Office of the

Commissioner for Revenue. In the case of Mark, the mediator advised him to cite a lower amount of child maintenance in the contract than that originally agreed, as he might not be able to give the agreed amount in future. He reportedly paid his ex-partner the originally agreed monthly sum for many years, including for some months after changing to a lower-salary job, after which period he then started paying her the lower amount cited in the contract.

Mediators, however, drew criticism from a minority of dissenting payers for their passivity. Russell perceived the mediator as not coming up with proposals and John said there was “no mediation” as such. He expected the mediator to handle the process in a much more proactive way – including the communication process which reportedly involved lawyers shouting.

When dissenting payers expressed an understanding of the difficult job the mediators had and the limited impact of mediation, it was referenced to their exes being difficult and never to their own behaviours also potentially posing challenges. This mirrored their generally negative portrayal of the personalities of their ex-partners as will be reported in chapter 8. For example, Terence perceived mediation as a waste of time, saying the mediator could not have done much better as one simply cannot reason with his ex-partner. Stefan and Ryan presented similar arguments:

“She [referring to ex-partner] was demanding more and more every time...and [during a mediation session] they told her...not to come anymore, because nothing is being done...because of her.” [sic.] (Stefan, dissenting payer)

“I say it bluntly; if you have an uncooperative lawyer and a negative party, the mediator can [only] do so much.” [sic.] (Ryan, dissenting payer)

For Ryan, the issue of child maintenance payment became entangled in his “chief battle” of not losing too much money to his ex-partner in giving her her share of a joint property, which he wanted to keep. In his view, the mediator being female meant that she “obviously” took sides. She had suggested they agree on the average of the two parties’ estimates of the value of the property, which to him was unfairly advantageous to his ex-partner given that his architect had valued it at a far lower price than hers. While he understood the mediator’s suggestion as a compromise, he already perceived himself to have compromised by reluctantly agreeing to pay child maintenance, as

discussed above. Ryan perceived the mediator as passive and himself to be alone in fighting for his argument. He finally agreed to give his ex-partner an amount for her share that was reportedly higher than the amount he wanted to give her but closer to his estimate than to hers. As reported in chapter 4, maintenance in Malta is considered in the round during negotiations and court cases and is not ring-fenced from other issues. Ryan's case is an example of how negotiations over property and child maintenance were conflated, resulting in an unsatisfactory arrangement for him.

6.2.3. Mediators' respect for fathers' standpoints

Among consenting payers, Alan reported the mediator respecting his standpoint:

“The mediator actually was very good...They said, ‘He’s not just...the bank...He’s the father and he needs to be part of the child’s life.’ ” [sic.] (Alan, consenting payer)

The issue was not addressed by other consenting payers.

The prevalent trend for the minority of dissenting payers who discussed this theme was the expression of anger and incredulity at mediators for not taking their perspectives seriously. Nathan and John were angry about the automatic assumption at the start of the mediation process that the mother would be the primary carer, whereas Tom and Dan complained at the way access agreements were (re)negotiated. Tom experienced the mediator as neutral during the first mediation process. However, this changed when mediation was re-opened to re-negotiate parenting arrangements. Reportedly, the magistrate had granted him an additional weekend day's access, but Tom was put aback when the mediator proposed overwriting this grant by distributing the hours differently.

Dan and his ex-partner had hired a male-female mediating team, who implored the parties to yield. Dan perceived one of them as biased and confronted this mediator:

“They started telling me, ‘Why don’t you [two] yield?’ I said, ‘But why are you only addressing me, your face is turned towards me...so do you agree, for example, that a father should see his children once a week only?’ And they did not say anything then.” (Dan, dissenting payer)

Stefan also complained that his standpoint was not taken seriously. He was put down right away when he asked for additional access time to compensate for time lost during

access time whilst driving due to the extremely long distance between parents' homes. Additionally, he also reported not being taken seriously in regard to verbal threats reportedly made by his ex-partner during mediation:

“...she told me, ‘I’m going to kill you...they picked on it, but they were joking about it.” [sic.] (Stefan, dissenting payer).

Gary complained that the mediator was unprofessional and favoured the mother. Amongst other things, the mediator reportedly scoffed his assertion that he could not afford the sum of maintenance his ex-partner asked for with an “Oh come on!” verbal expression.

There were some exceptions. Bruce felt understood by the mediator in the sense that she perceived his ex-partner as having mental health difficulties, although to him it was of no help that they could not testify in court to this effect. Similarly, Russell felt that the mediator tried to understand his perspective and also acknowledged that the system was archaic, in that it was built on the provider/homemaker model.

6.2.4. Reflective summary of section 6.2

Overall, there were stark differences between consenting and dissenting payers' appraisal of mediation. The few consenting payers who discussed mediation gave a positive appraisal, whereas dissenting payers expressed frustration at the lack of professionalism and lack of value for money of the service, as well as criticising mediators for being passive. They also expressed anger and incredulity in regard to mediators not taking their perspectives and standpoints seriously and favouring the mother. Mandell (1995) had noted that mediation is unlikely to be successful if it does not accord due attention to issues around fathers' identities and roles. The findings are only in partial agreement with those of Taylor (2004) who reported that fathers who had undergone mediation tended to be more satisfied than those involved in court litigation, and that mediation was reported as empowering by fathers in his study. This is because on the one hand, all consenting payers (who were generally satisfied with post-separation arrangements) had signed contracts and most dissenting payers (who were generally unsatisfied with post-separation arrangements) were undergoing court litigation. But some dissenting payers reported dissatisfaction with mediation, and three had reopened mediation or were currently undergoing court litigation. Similar to the

findings in relation to lawyers, these findings are partly attributable to the consonance or dissonance between fathers' norms and the prevalent traditional arrangements underpinning the Maltese legal system. They can also be said to be partly reflective of the degree to which mediators in Malta are skilled in handling the process of negotiation and in dispute resolution techniques. Either way, they again showcase the relevance of social negotiation theory of Pruitt and Carnevale (1993).

6.3. Disempowering Experiences of a Matricentric Justice System

The justice system in general, including the court system, was discussed by only a minority of consenting payers, but was mentioned by all dissenting payers. This reflects the fact that most of the dissenting payers had personal experience of the courts in regard to litigation over separation arrangements, whereas only one of the consenting payers had (Owen). Even so, some consenting payers expressed strong opinions. The prevalent views were negative, with the court system being appraised as biased against fathers or in favour of mothers. The justice system was experienced as being disempowering due to fatherhood being perceived as not having its due status; fathers not being heard or not being believed; and the perception of non-existent or ineffective access to justice as now discussed.

6.3.1. Fatherhood not having any status

Among consenting payers, Simon, Karl, and George all perceived mothers to be accorded more power by the justice system generally. Karl talked about mothers being believed prior to investigations in regard to abuse allegations about children and believed by police regarding intimate partner violence, whereas George referred to mothers' primary residential carer status:

“...generally, the woman is believed more than the man, especially where children are concerned.” (Karl, consenting payer)

“...I think the woman has too much strength at court when it comes to children, and I think they are profiting from using children.” (George, consenting payer)

Christian argued that fatherhood was not accorded its due status based on his own experiences of perceived disrespect from social structures towards joint legal custody⁶, as will be discussed in chapter 8. He suggested that legislation should change such that professionals who were approached by mothers regarding education, health, or welfare of children should always contact fathers who have joint custody immediately, upon receipt of a copy of the contract or decree, except for cases involving urgent medical attention. He also viewed the court system as placing comparatively more emphasis on child maintenance than on fathers' caring responsibilities, when, in his view, money could never compensate for the nurturing which young children needed.

Dissenting payers highlighted, at times in tones indicating humiliation and indignity, how fathers were dismissed as irrelevant by the justice system:

“...a mother...has full control....to the detriment of the man...Even though I am trying to be part of my child's life, I am being thrown away by the system...” [sic.]
(Tom, dissenting payer)

“Children are the woman's. The man...'s nothing! He's wiped on, like a floorcloth, by the court and that's it...those are the things that annoy me most...”
(Samuel, dissenting payer)

Fatherhood was seen as not having status on two fronts. Firstly, dissenting payers argued that joint legal custody was useless. Mothers had reportedly managed to: enroll children in, and unenroll children from, schools; have children's passports issued; have their children go abroad on school trips; or take their children to health or helping professionals without fathers' permission. Fathers therefore had no control over matters in this regard. Secondly, they argued the courts presumed a primary carer status for mother: they automatically expected fathers to move out of the matrimonial home and mothers to be granted primary carer status. As Gary complained:

“...no law states that the mother wins the children...This is the judges' decision...” (Gary, dissenting payer)

⁶ In Malta, 'legal custody' is more commonly termed 'parental authority'

Jason believed the better carer should be assigned the status of primary carer. He argued that giving mothers primary carer status went against real equality and that both mothers and fathers can make good carers.

“Why does the mother get to keep the baby by default? Does a father have anything less?...I couldn’t give birth to [child] and I couldn’t breastfeed [child], but otherwise I did what I could. I bathed [child], bottles, nappies, I cook for [child]...If she is the biological mother, is the father not the biological father?”
(Jason, dissenting payer)

John argued that fathers had no status *a priori* as opposed to mothers, giving the example that mothers could atone when they could not parent well enough, but fathers were not given this opportunity:

“...if there is something wrong with the mother, they take temporarily the children away...they recover the mother, and then they give the children back. For the father it doesn’t work that way. You’re wrong from the offset, that’s it!”
[sic.] (John, dissenting payer)

Like Christian (the consenting payer) some dissenting payers also complained that the court system gave more weight to child maintenance obligations than to children’s care. Bruce for example was irked that the judge’s first question during his court case was whether maintenance was being paid rather than whether the child was being cared for. Similarly, Ryan felt the system was biased in such a way that it coerced fathers into paying maintenance:

“Unfortunately, the law is biased against the father, ‘cause obviously, by default the mother takes...the custody. That’s...where this maintenance comes from.”
[sic.] (Ryan, dissenting payer)

Gary had stopped working overtime shifts in order to avoid what he saw as a trap set by the justice system:

“I did so in order to see my child, because the court breaks you down with maintenance and court expenses, in order for you to work more hours, and they will then argue that you don’t have time to see the child. I didn’t fall into that trap.” (Gary, dissenting payer)

As well as fathers suggesting the system did not give sufficient status to fatherhood, they also felt as individual fathers they were not heard or believed.

6.3.2. Fathers not being heard or believed by the justice system

Feelings of powerlessness relating to not being heard or believed were discussed by dissenting payers only. Perceived powerlessness was not just related to outcomes of court judgements but to legal proceedings including perceived due process. Some fathers perceived members of the judiciary to uphold mothers' claims or rule in mothers' favour in regard to both access and child maintenance obligations without evaluating the full set of circumstances.

Three fathers reported negative perceptions and experiences relating to children's testimonies in court and involvement of the child advocate. Tom did not want the child advocate to be involved in his case. John complained that the child advocate saw his children for 15 minutes without seeing him or listening to his version of events, and expressed surety that the children would confirm what the mother said. One father, who had seen a number of reports on diverse cases by the child advocate, said that there seemed to be a template report, attesting that the mother is the better carer:

“...copy and paste; that the daughter is content to live with the mother...
content to see the father as per current arrangements...it's like a template...”

Although these were fathers' reports and it was not the remit of the thesis to check the veracity of their claims, these findings can be said to be potentially reflective of the role conflict faced by child advocates in Malta and challenges relating to due process in this regard. These were discussed in works by CHRJ (2013) and by Galea (2020), and outlined in the ruling by Mr. Justice Mangion that a father's right to a fair hearing had been breached when access to children was terminated without him being given an opportunity to participate in proceedings and to analyse the Child Advocate's report, as reported in chapter 4 (Agius 2020b).

There were other comments indicative of not being heard and believed. For example, in one case, the judge had not accepted the father's request for an investigation to be held on whether his child had been beaten by his ex-partner and/or her family members. Additionally, the father wished to give his child some time with the grandparents to help him develop a bond with them but the judge ordered him to leave the child with

his ex-partner instead, despite his pleas that he was not doing so because he could not spend time with the child, but in order for the child to spend some private time with the grandparents.

Dissenting payers were also frustrated that mothers retained primary residential carer status even in the face of evidence indicating that fathers were the better carers.

Douglas for example argued that he and his family could provide a better environment for his children than could his ex-partner and her family, who reportedly used uncouth and foul language aside from not being on the same level academically as Douglas' family. In his view the court system did not allow fathers the opportunity to prove that they can provide a better environment by hearing them out, and he had little faith that the terms of the interim decree could be changed. Bruce could not fathom why the court had still not granted him primary residential carer status when his ex-partner had lost custody of older children (not his biological children) due to her mental health difficulties in the past, and had reportedly been caught lying by a judge regarding items he had given her.

Terence reported that his ex-partner had presented the court with a list of "horrible allegations" including cruel behaviour and torture which he had allegedly inflicted on their child, but the judiciary had not assessed the whole context including her mental health difficulties. He reported that the court had ignored testimonials from school and helping professionals including reports that the child was being sent to school by the mother with no food, no homework, and dirty clothing, as part of applications making the case for him being the better carer and asking for primary carer status. Whereas Jason questioned why no action had been taken by the court as reportedly an inquest had established that the maternal home was not conducive to his child's mental stability.

In Russell's case, his court application for primary residential carer status backfired. He not only lost access time but now had to pay child maintenance. He had sought primary residential status on the basis of serious concerns. The child was reportedly exposed to unsavoury environments and dysfunctional family dynamics including alcohol, drug use, and his sister-in-law's partner having been involved in a heinous crime. He regretted having initiated litigation:

“I show them photos, videos, I show them messages...she has alcohol issues...what happens? You go to court, and they took my child away...as I now have less access and I have to pay...because that’s the grave thing...” (Russell, dissenting payer).

Other dissenting payers raised concerns about not being heard and believed in court over disputes about child maintenance obligations. Trevor questioned why the court had accepted his ex-partner’s sequestration order without her reportedly having presented one iota of proof. Additionally, he said that his rationale for not paying half of the health, education, and extracurricular fees, on the basis that he perceived them as hefty and had not been consulted on them, had been discounted. John was angry over changes to his child maintenance payment. He was satisfied with the initial monthly amount which excluded half of health and education costs. However, he and his ex-partner entered into a legal dispute regarding health and education expenditure, with his ex-partner claiming he was due to pay an amount of less than €1,000 worth of medical and extracurricular activity expenditure. John argued that he had receipts to show that he had paid for such expenditure, although at points during the interview he expressed anger at not having been consulted on these expenses, which suggests he either had not paid for, or held reservations about, some or all of this expenditure. John had three concerns about the case. The first was that it should have gone to the tribunal of small claims. The second was that the case was presided over by the same judge who presided over his mediation arrangements – a judge who in his view was already biased, having reportedly not read his lawyer’s answers during mediation. The third was that his legal reply during the court case was, again, not considered. He was furious when the judge ruled that he had to pay a higher monthly amount, resulting in him paying in the region of €2,000-3,000 Euros more annually, as a result of dispute over less than €1,000, a dispute which, in his view, his ex-partner should have lost.

Max was a notable exception to the trend for dissatisfaction amongst dissenting payers in regard to court decisions around child maintenance, although he initially also experienced not being believed by the judiciary. Max had cases including those of a criminal nature relating to failure to pay child maintenance. Amongst his rationale for refusing to pay were: that his ex-partner had claimed that a sum of child maintenance payment he had paid her had been a gift (implying he still had to pay the same amount in child maintenance); she had burdened him with paying in the region of 125-175

Euros' extra expenses monthly after the word 'half' [of expenses] was struck out of the contract by someone without the judge's signature; and she had bought expensive items, claimed for small amounts, and used old receipts. In one particular judgement, the judge ruled that he was not to be incarcerated, and Max took the wording of the judgement to refer to an opportunity to atone and pay the money. He was adamant that he was right and would not obey the judge:

“...the judge told me, 'I am giving you this one-time opportunity to avoid going to prison...if you turn up in front of me again you will go to prison.' So you're saying pay her. No, I will not...” (Max, dissenting payer)

Max fought on and in a subsequent decision, his child maintenance amount was reduced from a sum in the region of €175-225 every four weeks exclusive of health and education expenses to one in the region of €225-275 all-inclusive. He was satisfied with this outcome and reported this reduced expenditure as the best thing to come out of his experiences of the justice system. The cases of Russell, John, and Max are clear examples of changes in satisfaction over time (perceived as negative in the cases of Russell and John, and positive in the case of Max) as a result of intervention of legal third parties and therefore attest to social negotiation theory (Pruitt and Carnevale 1993).

6.3.3 Ineffective or nonexistent access to justice

A minority of dissenting payers also felt a sense of unfairness in their recourse to justice. As will be reported in chapter 8, Trevor perceived his ex-partner's efforts to deny him access a form of retaliation for his refusal to pay half of health, education, and extracurricular expenses. She had reportedly managed to get his pre-adolescent children to testify in her favour by saying that they do not want to stay with him or to be tied down with access hours. This resulted in an open access verdict which she reportedly wanted, as she could use it to disarm him by way of influencing the children to tell him that they are busy and could not spend time with him, as was currently the case. The case involved his children and their counsellor testifying behind closed doors, who could in his view have made up stories about him beating them up or having abused them. Trevor felt completely in the dark about what was said, as opposed to his ex-partner who was reportedly told by the counsellor what the children had said. He

was angry at the gross injustice of not being able to defend himself and not being given the possibility of appealing the decision:

“...so we do not know what was said about me, you took a decision, and I have no chance to appeal it.” (Trevor, dissenting payer)

Nathan argued that access arrangements were not actually enforceable at law. He gave an example whereby he went to the police station to file a report that his ex-partner had denied him access. Police staff gave him conflicting advice: he was told at one point that he could proceed and that mothers can be arrested for failing to allow access to their children; later on, however, he was told that because the wording in the contract was “between (time) and (time)”, she could give him the children at any time between these two times. He perceived this as a literal interpretation of wording that did not reflect the spirit of the law. His negative perception of the police accrued when he and his ex-partner were both summoned to the police station and given this interpretation by female police staff. Nathan was also irate at his lawyer for not having anticipated this loophole. He rhetorically asked why he should spend more money initiating legal action against his ex-partner relating to her restricting access when they had access arrangements in their contract which should be enforceable at law. Perceived inaction on the part of the police force was also mentioned by other fathers. There were comments that the police force had not taken action to investigate claims of physical abuse by mothers: in one case, the police told the father to honour what the court decree said regarding access when he had gone with a doctor’s report attesting to his child having been beaten by the mother.

Some dissenting payers lamented not having the possibility to win damages in the event that they won cases. Jason’s mental health had reportedly been affected by accusations that he had sexually abused his child. Although he understood that the judiciary needed time to get to the bottom of the truth, he was angry that the prolongation could result in time-barring should he want to take legal action relating to the allegations. Although Trevor had faith that he could still win the case relating to child maintenance disputes, he lamented the interim challenges of having been left “hanging on” when he perceived himself as having a solid basis for his legalistic arguments. His view was that compromise should not be used in place of a party winning a case if they had clear

evidence or proof. He also lamented the fact that no damages could be won in the event that he won his case.

6.3.4. Justice system responsible for negative outcomes

Some dissenting payers in this study held the justice system accountable for children's and fathers' negative wellbeing outcomes. However, they did not reflect on how the justice system could impact on mothers' wellbeing. Fathers linked negative outcomes to two main factors: the prolongation of cases; and views that the court system aided and abetted mothers' perceived abuse in the form of bad parenting or family bond obstruction.

Effects on fathers' mental health including potential suicide were highlighted:

“...what is this man going to live on?...They're telling you to go steal or to go hang yourself as many men do and then they say it's because he has a mental health problem...of course if you cornered him...” (Gary, dissenting payer)

The slowness of proceedings was related to time lost with children, which was an irreversible loss, and was seen to have negative ramifications for children's life chances, particularly for fathers who wanted primary carer parent status in view of ex-partners' mental health challenges:

“Four years is a long time, had I not used my brain and...convinced [the mother] to let [child] stay with me longer...[child] would have been harmed without the court having taken action, it's too long...” (Terence, dissenting payer)

Bruce discussed how prolongation was adversely affecting his child's life chances. His statement references his belief that such prolongation is linked to a money-making agenda:

“Look I will only say this, if money was not involved in these cases, hearings would make more sense.” (Bruce, dissenting payer)

The case of Samuel can be said to best showcase concerns regarding the justice system's failure to effectively tackle perceived familial bond obstruction coupled with concerns on case prolongation. Samuel, who had split residency arrangements for his fraternal twins, felt that the damage had been done. Livid at the justice system for presuming mothers are always right, he reported that the court had not conducted

timely and proper investigations relating to his split residency status which in his view was the responsibility of his ex-partner, as will be discussed in chapter 8. He also questioned how justice could be done when, five years down the line from his physical separation he had not yet had the opportunity to present his witnesses:

“Why doesn’t the court see what happened?...Because I have a lot of witnesses...But five, six years down the line, why present my witnesses now? Now the damage has been done. I’ve taken the blow. I lost my children; they are no longer siblings.” (Samuel, dissenting payer)

These perceptions contributed to fathers’ anger and sense of injustice, and could also have potentially contributed to fathers’ irreverence to the justice system, as directly expressed by John:

“...because if the Family Court is rejecting these things, I would show all the respect I need, but it is extremely difficult in a situation like this. I’m not aggressive, I’m angry.” [sic.] (John, dissenting payer)

6.3.5. Reflective summary of section 6.3

In summary, it is clear there were many complex circumstances underlying fathers’ litigation experiences. It was not the purpose of this study to evaluate the accuracy of those experiences or the effectiveness of the judicial system, but to hear fathers’ own perspectives. Therefore, whether justified or not, dissenting payers tended to hold strong views that they were not being heard or believed and this fed into a sense of powerlessness as well as injustice.

Collectively, the findings relating to fathers’ appraisal of the justice system resonate strongly with the works of Mandell (1995), Taylor (2004), Natalier (2012), and Casha (2014) which best highlight the themes of disempowerment; of bias against fathers or in favour of mothers; and of fathers feeling unheard and disbelieved. Even the few consenting payers who discussed the justice system perceived it similarly. Despite this perception, fear of adjudication and possible incarceration did not seem to be a factor affecting compliance positively, unlike in the studies by Burgoyne and Millar (1994) and Taylor (2004). But in tune with the findings of Taylor (2004), when fathers perceived components of their post-separation arrangements (affordability, equity across

households, access) to be stacked against them, and thus had nothing to lose, court adjudication and jail did not act as a deterrent.

The findings are consonant with those of Mandell (1995), Taylor (2004), and Casha (2014) which highlighted the particular resentment judges drew from fathers for unfavourable rulings in regard to the outcome of judgements. This can be interpreted in terms of the conflation of intentions/feelings of ex-partners with those of the system, and of transfer of their feelings about ex-partners towards the system (Mandell 1995), and was particularly evident in fathers' questioning of the legitimacy of the system on the basis that it upheld their ex-partners' immoral claims as argued by Natalier (2012). As discussed in chapter 4, Maltese family law and jurisprudence binds the judiciary to act in children's best interests in regard to housing, child maintenance, and access. But dissenting payers in this study, who generally had hostile relationships with their ex-partners, derided this assertion, mostly by insinuating that the process safeguarded mothers' interests and harmed children's life prospects. The latter finding is in tune with the findings of Natalier (2012) that fathers linked undesirable outcomes of decisions taken by legal structures to children's wellbeing and life chances. This conflation co-exists with a loss of control. Taylor (2004), who found that most fathers who had undergone the judicial pathway to separation felt unhappy with the outcome of separation proceedings, both in relation to access and maintenance, had drawn on Finch and Mason (1993)'s negotiated commitments theory to argue that commitment to financial obligations is less powerful when parenting arrangements are imposed rather than having arisen as a result of the party's own negotiations. In terms of Zelizer's (1996) work on the symbolic meaning of money, it can be argued that legal entities enforce the change from money given to the partner voluntarily to money becoming the partner's entitlement, hence threatening hegemonic masculine identity, as highlighted in the works of Natalier (2012) and Natalier and Hewitt (2010, 2014). As argued by Mandell (1995) and Natalier (2012), fathers' critique of the system served to reassert fathers both personally as good fathers and politically in terms of fathers' rights; and noncompliance served as a tool for resistance and self-empowerment.

But study findings departed from previous ones in a number of ways. First, fathers challenged the gendered approach to parenting from its roots by contesting the assignment of primary residential status to mothers and emphasizing presumptive shared parenting (as will be discussed in chapter 8) as the starting point for post-

separation arrangements. Second, fathers generally perceived gendered constructions of post-separation parenting arrangements to be in existence throughout the entire system, that is, even amongst lawyers and mediators. Thus, fathers perceived their active parenting aspirations to be thwarted at the outset at all levels. From an equity theory point of view, therefore, these fathers operated from an equality rule perspective. Other findings unique to the Maltese context is that fathers in this study emphasized perceived faults in proceedings, including adverse consequences of length of court procedures and perceived flaws in due process. The length of Maltese court proceedings and its potential detrimental effect on children had been noted and discussed in another empirical study involving Maltese adolescents whose parents had separated contentiously (Abela et al. 2013). All these findings are a strong testament to social negotiation theory (Pruitt and Carnevale 1993) which accords explicit importance to how third party involvement shapes child maintenance compliance. They also point to features of the justice system in Malta which may dent the prospects of good outcomes for children's wellbeing as will be discussed in more detail in chapter 9.

6.4. Conclusion

This chapter explored fathers' appraisal of the justice system. Consenting payers tended to report satisfaction with lawyers and mediation. Conversely dissenting payers reported greater dissatisfaction with their lawyers' work ethic, abilities to represent their interests, and handling of conflict; and they also tended to be more reticent to accept lawyers' advice to engage in compromise with their ex-partners. Dissenting payers tended to perceive mediators as unsatisfactorily passive and dismissive of their standpoints. They had greater involvement with the justice system, and they also appraised the justice system in a negative light. Compared to the consenting payers, the dissenting payers seemed much more inclined to question what they saw as gendered assumptions in the legal system which they felt favoured motherhood giving mothers an automatic right to primary residency status. They felt their status as fathers was of lesser importance and at times that they were not heard or believed, even when they felt they had strong evidence to support the case they were trying to make. Dissenting payers held the justice system liable for negative outcomes for fathers and children. Although few dissenting payers directly expressed a lack of reverence to court, their reticence to pay child maintenance could be viewed as being partly a reaction to these

perceived injustices. Overall, this analysis shows how in the minds of some fathers, separation agreements in regard to asset splitting, access arrangements for children, and maintenance obligations are all intimately entwined in complex ways. The next chapter discusses findings relating to fathers' appraisal of financial contexts.

CHAPTER 7: Fathers' Appraisal of Financial Contexts

This chapter addresses research sub-question 2) which is, 'How is fathers' construction of non/compliance influenced by their sense of financial fairness, and their perception of their financial circumstances vis-à-vis those of mothers?' The chapter starts by reporting on the socioeconomic circumstances of fathers and their ex-partners in the form of demographic data gathered from transcripts and the brief questionnaire which participants filled in at the end of their interview. The chapter then reports on fathers' financial challenges and sources of support. Next, it discusses how choices around child maintenance payment are influenced by fathers' appraisal of financial fairness in terms of calculation of child maintenance amounts; affordability of child maintenance amounts; and financial egalitarianism.

7.1. Socioeconomic Circumstances of Fathers and Ex-partners

This section outlines the socioeconomic circumstances of fathers and their ex-partners. Table 5 shows the number of children fathers were formally maintaining at time of interview; fathers' employment status and type; and fathers' living arrangements.

Two fathers had no children to maintain at time of interview. As stated in chapter 5, these were George, a past consenting payer, and Gerard, a dissenting payer who was on the brink of signing a separation contract in which he had reluctantly agreed to pay a monthly sum of child maintenance for his younger child (now an adult) until the child turned 23. As also stated in chapter 5, Liam was not paying child maintenance for his youngest child but had maintenance obligations in relation to his second past relationship involving children. Most fathers (21 of 31) were maintaining only one child at time of interview; eight fathers were maintaining two. Of note however is that three dissenting payers – Liam, Eric, and Dan, had adult children whom they were no longer maintaining (in Liam and Dan's cases, from their first past relationship involving children) so they had each had three children to maintain at one point in time.

TABLE 5 Fathers' socioeconomic circumstances

	Number of consenting payers (total 12)	Number of dissenting payers (total 19)
Number of children being formally maintained		
0	1	1
1	9	12
2	2	6
Employment status		
Two sources of income	4	1
Self-employed	0	3
Employed full-time	7	14
Other (reduced hours/part-time)	0	1
Retired	1	0
Type of main job		
Armed/Disciplinary Forces	1	0
Managerial	0	6
Professional	1	6
Technician/associate professional	3	1
Clerical	2	0
Services and sales	0	3
Crafts and related trades	2	2
Plant/machine operator	2	0
Retired	1	0
Missing data	0	1
Type of living arrangement		
Living at matrimonial home/joint property	1	2
Living at own home	4	8
Living with family of origin/at their property but owns home	3	1
Living with partner but owns home	0	2
Renting but owns home	0	1
Living with family of origin/at their property	3	2
Renting	1	3

Reported monthly child maintenance sums for consenting payers ranged from around €200 inclusive of half the health and education costs for one child to around €400 exclusive of half the health and education costs for two children. For dissenting payers, payments ranged from €200 for one child to €700 for two children, both sums inclusive of half the health and education costs, with more payments in this group being made towards the higher end of the range. Four fathers from this group, as opposed to none from the consenting payers' group, were paying monthly sums upwards of €400 for two children. This suggests that the higher monthly sums among the dissenting payers' group are only partially reflective of the number of children fathers were obliged to

maintain. Variations in amounts paid over time and fathers' satisfaction with amounts have been/will be discussed in pertinent parts of the analysis throughout the chapters.

All fathers (bar one who was retired) were employed and paid work was their main source of income. More consenting payers than dissenting payers reported having two sources of income, which entailed having two jobs or having a retirement pension and also holding a job. Across both groups, there was a mix of low and high earners. The differences in earned income reflected the number of jobs held simultaneously and also the job type. More dissenting payers occupied higher-status managerial and professional jobs compared to consenting payers, although job type is not necessarily indicative of salary/wage. For example, dissenting payers all holding the same role reported earning far different amounts: Gerard said his salary was "limited" [sic.], whereas Douglas and Ryan described it as "not bad/decent" respectively. Both home ownership and rent were more prevalent amongst the dissenting payers' group.

Table 6 shows fathers' reports on their last ex-partners' employment status and type. As reported in chapter 5, six fathers were living with a new partner/wife. None of these fathers had resident stepchildren. Five of the new co-residential partners were employed full-time, and worked in managerial, professional, or services and sales sectors. Only Christian's partner was a homemaker. Christian was the only father who had a new child from his current relationship.

Gainful employment was the reported main source of income for ex-partners of fathers from both groups. There was overall parity between groups in terms of ex-partners' employment status, excepting for three ex-partners of dissenting payers who were unemployed. There were more ex-partners of dissenting payers who reportedly held higher-status managerial and professional jobs. Five ex-partners of consenting payers and four ex-partners of dissenting payers were living with their new partners. More ex-partners of dissenting payers than of consenting payers lived alone with children (11 versus 6) or with their families of origin and their children (3 versus 0). The next section discusses fathers' reported financial circumstances and their impact on fathers' capacity to pay child maintenance.

TABLE 6 Fathers' reports of last ex-partners' socioeconomic status

	Data in numbers relating to last ex-partners of consenting payers (total 12)	Data in numbers relating to last ex-partners of dissenting payers (total 19)
Reported main source of income for ex-partner		
Own work	10	14
Own work plus maintenance	0	1
Social benefits	0	2
Social benefits plus maintenance	1	0
Ex-partner's parents	0	1
Participant does not know	0	1
Missing data	1	0
Reported employment status of ex-partner		
Two sources of income	2	0
Self-employed	2	2
Full-time	5	12
Other (reduced hours/part-time)	2	1
Ex-partner is unemployed	0	3
Participant does not know	0	1
Missing data	1	0
Reported job type of ex-partner		
Managerial	1	1
Professional	2	5
Clerical	2	4
Services and sales	4	1
Crafts and related trades	0	1
Elementary work	1	2
Ex-partner is unemployed	0	3
Participant does not know	1	2
Missing data	1	0
Reported type of living arrangement of ex-partners		
With new partner and children	5	4
Alone with children	6	11
With her family and children	0	3
Living arrangement unknown	1	1
TOTAL NUMBER	12	19

7.2. Fathers' Reports of Financial Circumstances

Fathers across both groups discussed links between their capacity to pay, major financial expenditures or challenges, and financial or in-kind help from kin and third parties.

7.2.1. Housing costs

A minority of consenting payers discussed financial challenges relating to housing. Alan and Alfred both referred to the prohibitive cost of renting and said that flat or house-sharing might not be an option for some fathers given that they needed to host their children at times. Alan had lost rent deposit money after separating. He was currently renting at high cost despite having a tenant. Simon and Gabriel, who both lived with family, talked about the difficulties of not being given bank loans to buy homes at their age. Gabriel also ruled out renting:

“...you won't find anything for less than 500 [Euros], you have rent, child maintenance, child's expenses...you are almost left with nothing to live on, and if you work part-time or do a lot of overtime you won't see your child...” (Gabriel, consenting payer)

Omar and Owen both owned homes but were still renovating them. Owen reported that it was when he took on a loan to buy a home that he started to feel the financial pressure of paying child maintenance. He also said that due to expenses including mortgage and child maintenance, he needed time to save money to furnish his home adequately, saying that it sometimes took him six months to save for something needed for his home.

Financial challenges relating to housing were also discussed by a minority of dissenting payers. Jason mentioned a mortgage of around €700 monthly, and Gary reported having skipped mortgage payments for a period of time. The high cost of rent was prohibitive for Eric. It was also discussed by Gerard and John, both currently renting. John could not buy property and despite sharing a home, still had to pay around €500 rent monthly. Housing costs therefore impacted fathers across both groups and reflects the housing situation in Malta of high rents and difficulties funding the purchase of a property (The Malta Independent 2018a, b; Galea 2019) reported in chapter 3.

7.2.2. Legal and Church marriage annulment proceedings costs

From the consenting payers' group, only Alan and Christian reported on costs relating to legal and Church marriage annulment proceedings. Christian described the shock of having to foot a bill of around 3,000 Euros relating to Church marriage annulment. Alan, who had a history of mental health difficulties, stated that had he not received financial help from his family, he would have had to resort to free legal aid which might not have produced a positive outcome. He reported periods of intense litigation over access. The thought of possibly having to go to court which he envisaged might cost thousands in expenses, when his financial abilities were limited, induced what he described as a "mental breakdown":

"For three weeks I couldn't leave the house...I struggled financially, mainly...it just kinda finished me off." [sic.] (Alan, consenting payer)

However, the crisis was averted when his ex-partner agreed to sign the contract at the very end of the mediation process.

From the dissenting payers' group, Gerard was the only one to report on the heavy cost of Church marriage annulment, estimated at around €2,500, including payment for his ex-partner to have sessions with a psychologist, which he resented as unfair. Terence and Trevor both stressed the importance of being able to bear the financial costs of recourse to justice. Terence reflected on parents who do not have such financial means, stating:

"God forbid that you are in the situation I was in and that I am still going through, and you do not have the means to defend yourself and to get what is just and deserved." (Terence, dissenting payer)

Trevor was subject of a sequestration order which he had anticipated as his ex-partner had been threatening him with it for some time. He therefore sold an apartment (prior to the sequestration order) due to expenses including fees related to litigation which he felt was needed to fight for his rights. He ostensibly circumvented sequestration in that the money he obtained from the sale was not sequestered. He lamented not being able to bequeath it to his children but described it as a necessary move:

“I think it would have been a big deterrent, for my health...I think it was a tough decision, but a wise one...because...I had cash in hand, and I could do what needed to be done.” (Trevor, dissenting payer)

Other financial implications arose as a result of involvement in cases of a criminal nature. Max had spent around €2,000 in relation to cases regarding child maintenance nonpayment. For dissenting payers, therefore, heavy legal fees continued to exacerbate their financial difficulties. One father said:

“I have already spent over €35,000...I could have sent my child to Oxford University!”

Heavy legal fees also negatively impacted on mental health at times:

“There was a period when I was literally in a state of depression because you don’t get by, you go to a lawyer who charges you for everything, sometimes I went to my lawyer twice a week...€50 payments, one after the other, you have to pay, [even for] an email or letter...she [referring to ex-partner] used to involve the police a lot so certain expenses were very big.” (Eric, dissenting payer)

This study is the first to highlight the financial burden faced by dissenting payers due to heavy legal expenditure which occurred for two co-occurring reasons, both discussed in chapters 6 and 8. Dissenting payers were gridlocked with their ex-partners in conflict over parenting arrangements, and they were generally reticent to compromise along gendered assumptions. Additionally, and uniquely to this study as opposed to previous ones, lengthy court litigation in Malta was perceived to contribute to heavy legal expenditure.

7.2.3. Income difficulties and unemployment

None of the consenting payers reported on income difficulties or unemployment, as opposed to a minority of dissenting payers who did so. This is perhaps expected in the light of Malta’s resilient and thriving economy discussed in chapter 3. Of note is that from 2015 till 2020, Malta has always registered amongst the five countries with the highest employment rates for males (Eurostat 2021c).

From the dissenting payers’ group, Dan and John were currently self-employed and faced the challenge of inconsistent income. John had business ventures and faced the

challenge of awaiting cash due from business contracts and sometimes paid child maintenance later than the due date. He had also experienced past unemployment which reportedly impacted on ability to pay. The worst financial period for John occurred during the first months following his separation. He had just lost his job, which in his view was one of the reasons for separation, and the matrimonial home had not yet been sold. Unemployment had also been an issue for Max, another dissenting payer, who reported that for around a year in total he had been out of work due to mental health difficulties which at one point had required inpatient hospitalization.

7.2.4. Receipt of in-kind and financial support

The families that fathers grew up in were an important source of in-kind help to some fathers. As evidenced from Table 5, six consenting payers and three dissenting payers were living with, or at property belonging to, family of origin. These fathers came from different professional backgrounds including professional/managerial and had different earnings. Additionally, three fathers, namely Alan (consenting payer), Gerard, and Tom (dissenting payers) had stayed with family members for some time following separation. Gabriel (consenting payer) who lived with family, referred to them further supporting him by cooking food and doing laundry for him. Some expenses could still be borne by fathers: Simon and Owen (consenting payers) mentioned giving some money to their parents. Simon also mentioned shopping some items for the household. Gerard (dissenting payer) paid a small contribution and paid for electricity when he had stayed at a family member's home prior to renting. The importance of these living arrangements in allowing fathers a way out of potentially gross financial difficulties, and therefore also rendering them able to pay child maintenance is captured in the following quotes:

“...thank God I found my mother and father, you have to start all over again, at that time you are broken from separation...you don't know what will become of you, you don't know where you are going to live...” (Gabriel, consenting payer)

“...[at that time] I had [to pay] over €1000 maintenance [monthly, for three children] and the [matrimonial apartment] loan so I could not afford to rent and to buy certain things, so thank God for my mother, as otherwise I don't know what would have happened.” (Eric, dissenting payer)

Fathers also reported on in-kind help from former or current partners. For Liam (dissenting payer), living with his current partner was important support given that his own home was described as being “in third world condition”. Karl was grateful that his ex-partner, who had her own home, allowed him to stay in the matrimonial apartment in the child’s best interests:

“For me it was sort of like a gift because when you separate and leave you have to find a place to live...” (Karl, consenting payer)

Taylor (2004) and Hans and Coleman (2009) had shown how payers sacrificed their own needs in regard to housing. This study showed that such self-sacrificial behaviour also occurred amongst less willing payers.

In regard to direct financial support, this study provided some evidence that more dissenting payers depended on family and third parties than did consenting payers. Amongst consenting payers, Alan reported having received in-kind financial help and help in the form of loaning money, which was crucial for him in two main ways. It helped him to pay lawyers’ fees and therefore negotiate a satisfactory contract. It also enabled him to continue paying child maintenance, which he wanted to pay even though the agreement was still informal at that stage:

“I basically had to borrow off of my family to make sure I got her the money...I’m still paying them now...slowly...” [sic.] (Alan, consenting payer)

Mark mentioned certain months that were tough financially such as when he has to pay insurance. Collaboration and trust on his ex-partner’s part helped him, as he sometimes paid her child maintenance later with her consent or borrowed money from her.

From the dissenting payers’ group, Russell and Gary both described running out of money before the end of the month and perceived financial help from parents as crucial. Russell said that he sometimes has to give his parent back between 500-600 Euros at the start of the month. He also reported that the business he worked for allowed him use of the company car at times. Liam stated that his current partner was an important source of financial support. Max stated that his parents, who knew about his financial struggles due to periods of unemployment and lawyers’ fees, were a source of financial back-up if needed.

But some dissenting payers stated that their families were not in a position to offer them financial help, which could possibly attest to more preponderance of generational disadvantage amongst the dissenting payers' group. Jason recounted how he had to sleep on a mattress on the floor for the first few months following relocation to his parents' home before buying a bedroom. Douglas and Stefan both said their families of origin could not provide financial help. Nathan had experienced disadvantage growing up, in part due to parental separation:

“I have to do everything on my own...I never found any help.” (Nathan, dissenting payer)

John lived close to his parents but was not on speaking terms with them. He had a credit line extended to him by an employer but was worried about what would happen were he to get sick, although he also said that he could also ask his housemate for help instead of resorting to the company. Eric also had to resort to financial support from work colleagues to get by:

“...but things like going out, like shopping, like going abroad, I could not do them...work colleagues used to give me money to get by...fuel expenses...sickness, clothing, other things you have to buy not out of frivolity but out of necessity.” (Eric, dissenting payer)

To summarize, in-kind help in the form of housing was received by fathers from both groups. However, this study is the first to highlight the importance of financial help from kin or third parties. As compared to consenting payers, more dissenting payers reported on resorting to such help to get by as well as to honour their financial obligations to their children, potentially indicative of greater financial hardship amongst dissenting payers.

7.3. Endorsing or Contesting Child Maintenance on the Basis of Financial Fairness

This section will explore how fathers' stances in relation to child maintenance obligations are shaped by their perception of financial fairness in relation to three themes: calculation of child maintenance amounts; appraisal of the affordability of child maintenance; and appraisal of financial egalitarianism across households.

7.3.1. Child maintenance amounts deemed too high

Only three consenting payers expressed views on their own child maintenance amounts in relation to children's needs. Mark, a consenting payer, currently paying in the region of €275-325 per month, plus half of health and education expenses, was the only father interviewed who expressed the view that the amount made sense in the light of the cost of living and of bringing up children. Asked how satisfied he was with the child maintenance amount, he assigned a score of 10/10 and said:

"You cannot give [ex-partner] any less because with the cost of living as it is...I make do with less myself...If I had more, I would give her more, I am being honest." (Mark, consenting payer)

From the consenting payers' group, only Alan and Ken assessed the child maintenance amount as unfair in view of the cost of raising children. Assuming that mothers should contribute the same amount they had to pay, they doubled the amount and deemed it too high:

"I just feel...it's too much money...No child costs [close to] €700 a month...That's...a very spoiled child." [sic.] (Alan, consenting payer)

"...if I have to fork out [around] 300, you have to fork out [around] 300, so does a six-year-old child have to have [around] 600?" (Ken, consenting payer)

Over the years, Ken's child maintenance amount had only increased by under €15 monthly due to cost-of-living increase. He also could not understand how child maintenance payment was determined, thinking that the amount would be tripled if he had three children, which at law is not the case, and arguing that some people do not even earn that much:

"So...if I had three [children] would I have had to pay her [around] 900?" (Ken, consenting payer)

He did concede, however, that it was difficult to quantify exactly how much money went into maintaining children.

The only other consenting payer to reference children's needs was Alfred. He did not report that his monthly sum was too high, although as discussed later on, he reported having under-estimated direct parenting costs. Alfred believed that maintenance should

not be paid in the case of shared parenting, but a “baseline amount” of 100/200 Euros should apply in other cases, with the amount being based on a calculation of children’s needs and revised over time. At the same time, he rhetorically questioned, “...but then...are children’s needs not the same [across families]?”

Complaints about unfairness in the calculation of child maintenance payment amounts were more frequent amongst dissenting payers. Nathan expressed scepticism whether raising a child cost around €600, which was double the amount he had to pay monthly. Some directly expressed scepticism about their ex-partner forking out an equivalent share of the money, implying that fathers were shouldering an unfair burden. These included Max who also argued that his partner was gainfully employed. Dan was paying a monthly sum between €225-275. Referring to authorities, he questioned:

“But are they also forcing the woman to fork out the same sum?” (Dan, dissenting payer)

John and Stefan, who were paying child maintenance sums in the region of 600-700 Euros, both assessed themselves as maintaining their nonresident children by themselves and expressed anger at consequential overpayment. Primarily for this reason they assigned scores of 0 [zero] and 3 respectively in response to the scaling question regarding satisfaction with child maintenance payments.

None of the fathers in the study actually put forward calculations, or an estimate, of the costs of children’s needs, and none referred to how children’s needs may change over time. Alfred did refer explicitly to children’s needs but even then, he implied that all children have the same needs. The findings corroborate conclusions drawn by Taylor (2004), Dudova (2006), and Natalier and Hewitt (2014) that fathers did not have realistic ideas of children’s actual needs and the costs of raising them; and by Natalier and Hewitt (2014) that such discourse de-gendered care and served to contest both child maintenance monies and their use by mothers. Conversely, amongst payers in the study by Hans and Coleman (2009), there were views that childcare is expensive. In this study only one consenting payer (Mark) assessed costs as being higher than the amount he paid and validated the amount in terms of the costs of children’s needs and of the cost of living.

Dissenting payers in this study also raised issues regarding which elements of their salaries should be included in the calculation of the child maintenance amount. Nathan said that child maintenance should be based on what is left of the father's salary after all payments have been made, presumably referring to major payments such as loans. Russell and Eric respectively disagreed with overtime and part-time being included in their earnings as in their view this provided a basis for overpayment. Eric added that certain allowances should not have been taken into consideration, which was also stressed by Trevor who was dissatisfied with petrol allowance reportedly being included with his earnings when it was given by the employer to cover petrol costs.

Trevor also expressed dissatisfaction with vague wording in his contract which reportedly did not specify whether maintenance was to be calculated on gross or net earnings, and stated that cost of living increases were to be reflected in the child maintenance amount, but that this depended on whether his salary increased by the same percentage. Trevor had had litigation with his ex-partner about this clause: she claimed that child maintenance should increase due to the annual Government cost-of-living increase, whereas he was adamant that this was an increase given to all and not an increase in his salary as such. Trevor had moved jobs and his salary fluctuated, but this was reportedly due to performance bonuses, and again he stressed that this was not technically an increase in his salary, which his ex-partner disagreed with.

7.3.2. Consenting payers: Affordable child maintenance amounts

Fathers across both groups discussed financial losses arising from separation and repercussions involving the accretion of financial hardship. Yet the trend amongst consenting payers was satisfaction with the amount of child maintenance paid, although some discussed the importance of living within their means and budgeting wisely. Ken, for example, in spite of querying the amount as reported earlier on, stated that he could live a decent lifestyle and afford to go out with friends, although he exercised care in regard to spending. Christian, who had faced significant financial losses when assets were split, was the only father to report on the financial pressure arising from having a second family. He had a child from his new relationship. Christian talked about both children being "equally my world", in tune with previous studies reporting on payers putting both families on an equal footing or stating that subsequent relationships would not affect their child maintenance payments (Burgoyne and Millar

1994, Bradshaw et al. 1999, Taylor 2004, Hans and Coleman 2009). In order to dedicate time to his children, Christian had to give up his second job. However, he had a good salary and felt that the amount of child maintenance was affordable.

The only concern regarding affordability in relation to formal obligations was expressed by Simon, who though satisfied with the current amount he was paying, did not agree to his ex-partner's recent request for the amount to increase to around €500 monthly to maintain their children who were both older adolescents:

“...but I cannot give her that amount when I earn around €1,000 a month. She knows how much I earn as I used to give her all my wage.” (Simon, consenting payer)

7.3.3. Dissenting payers: Unaffordable child maintenance amounts

As opposed to consenting payers, dissenting payers tended to report on precarious financial situations. Like consenting payers, they discussed the importance of living within their means and budgeting wisely, but reported on more stringent budgeting measures, such as: having very low budgets for take-out meals; buying less or refraining from buying items for themselves; and walking rather than driving if possible to reduce fuel costs, indicating greater financial hardship.

Trevor lamented having lost the opportunity to invest in company shares due to overall financial hardship, the causes of which involved sequestration of his assets. Gerard reported on the stress arising as a result of his precarious financial situation. Others also discussed financial hardship faced every month:

“...sometimes I would have just received my wage, and all I have left is €300”
(Russell, dissenting payer)

“...I live the life of a pauper because I sacrifice my life for my child. I do not buy things for myself; I do not do anything for myself...sometimes I do not eat for days.” (Gary, dissenting payer).

Some made direct reference to the difficulty of paying maintenance. Nathan reported that what with his home mortgage, expensive therapy sessions, and other life expenses, the amount he was currently paying (between 275-325 Euros) was a challenge. Eric said:

“...almost €1,000 every month [referring to original amount of monthly child maintenance payment], you cannot rent, my salary is not very high, deduce maintenance from [around €1,500] and half the [matrimonial apartment] loan, tax, and stamp duty, you can imagine what you have left...” (Eric, dissenting payer)

Douglas acknowledged that he sometimes did not pay on time:

“Sometimes I take long to pay in the sense that, well my salary is not bad, [around €1,500], but when I deduct maintenance, I have mortgage as I still have to pay off half the loan...that’s [around €900] gone straightaway...some months you have nothing left.” (Douglas, dissenting payer)

There were many parallels in the stories of John and Stefan regarding reportedly dire financial circumstances in spite of them earning good salaries. John was concerned as he wanted to save up money to help his child who reportedly wished to start up a small business in future. He also expressed concern about not being able to form a family should a new partner want a child. Similarly, Stefan, despite renting out a room at his home, reported living paycheck to paycheck, and stated that rental money helped him pay maintenance but also implied it was being saved in case he formed another family in future, which he wanted:

“I want to have another child. I would like to have somebody, and I would like to give them security as well. I can’t just give everything [I earn] to [my first family]...” [sic.] (Stefan, dissenting payer)

Stefan discussed what he saw as an irretrievable breakdown of his relationship with his children:

“...my kids are never going to have a relationship with me...They’re lost...I’m sad about it but there is nothing I can do.” [sic.] (Stefan, dissenting payer)

Stefan’s statement shows that some dissenting payers’ perceptions of damaged bonds with their first families may influence them to form what they hope will be better emotional bonds with new families. Both John and Stefan’s thoughts around the formation of second families are confluent with findings from studies showing how fathers’ compliance can be compromised when fathers opt to prioritize their second

families (Burgoyne and Millar 1994, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Hans and Coleman 2009).

Liam did not link hardship to the lack of formal arrangements in regard to his youngest child, whom he had never seen, although he did in regard to children from his first two relationships. Unemployment, seasonal work, and having capital but no liquid cash, were all mentioned as challenges. He also reported not receiving his due from the splitting up of two homes. In regard to one of his homes, he reported that his ex-partner had taken all the profit: it was not clear why this was so although he reported being in around 300,000 (currency not mentioned) in debt at the time. In regard to another home, he reported not taking the full amount due from his ex-partner as it had been bought from a family member, partly paid for with cash, and he was thus unable to prove exactly how much he had paid towards it.

Only Ryan and Max reported satisfaction with affordability of child maintenance. Max assigned a satisfaction score of 10 in response to the scaling question in regard to his child maintenance amount in the region of €225-€275 all-inclusive for one child. He had been the subject of a sequestration order, which he had ostensibly managed to circumvent: he had bought an apartment, a move he said was important for his mental health. The apartment was listed in a family member's name to avoid problems with court. Furthermore, despite talking about frozen business assets, he talked about the possibility of shifting a business asset at one point. Max stated that in spite of having financial difficulties including lagging behind in stamp duty payments, he was satisfied that he did not have any mortgage to pay and that he had enough money in his pocket every month to eat and to afford a leisurely drive.

To summarize, therefore, as opposed to consenting payers, dissenting payers objected to child maintenance on the grounds of unaffordability. This is in tune with the link between child maintenance payment and perceived capacity to pay established in qualitative studies (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Hans and Coleman 2009, Natalier and Hewitt 2010, Natalier 2012, Casha 2014). As opposed to previous research, however, from a behavioural point of view, the majority of dissenting payers were currently paying child maintenance, and fathers across both groups (rather than consenting payers only) engaged in self-sacrificial behaviours to a greater or lesser extent in order to honour

their obligations. Concomitantly, however, and also as opposed to previous research, fathers across both groups (rather than dissenting payers only) highlighted the importance of self-subsistence. They implied that child maintenance should be paid with funds left after they have serviced their own financial debts, expenditure decisions, and future plans; and hence that child maintenance obligations are not absolute.

7.3.4. Contesting child maintenance on the basis of financial egalitarianism

A theme that was addressed by fathers across both groups, but much more strongly so amongst dissenting payers, was that of financial egalitarianism. Dissenting payers contested child maintenance on the bases of: financial inequity across households; caring for resident children; and paying more than due when caring for nonresident children.

7.3.4.1. Financial inequity across households

Fathers discussed financial equity across households in the form of property and income. From the consenting payers' group, two fathers, Lorry and Christian, reported having willingly accepted financial inequity in terms of the division of joint assets following separation. Christian had found it extremely difficult to accept separation, in the light of love for his ex-partner. He recounted stories involving professionals he had turned to for help in regard to possible reconciliation. It was in this context that post-separation parenting arrangements had been negotiated and formalized by means of a contract. Of note is that during the relationship, his ex-partner had reportedly complained that assets were in his name. During negotiations, Christian harboured the hope that granting her favourable terms would help her reconcile with him, encouraged by the sense of independence she had gained:

“...I did not want to create conflict...in order not to stir up tension as far as possible...and I started accepting [her suggested terms]...I never wanted anything except for us to be together as a family.” (Christian, consenting payer)

Retrospectively, he perceived the contract as unfairly advantageous to her. His ex-partner retained the majority of their properties and he had also ceded his share of business ventures, worth over 1 million Euros, which he had co-owned with her, hence incurring heavy financial losses.

In Lorry's case, one of the joint properties had actually been bought and paid for jointly by Lorry and one of his ex-partner's relatives. Prior to separation, the relative gifted it to the couple, but following separation, they asked for their share back, and Lorry refused to give it to them. However, he reported having given his ex-partner more than her due in terms of household goods in order for him to move on psychologically, which he described as a "medicinal effect":

"I felt like the more I give her and the more I cut off, the more I felt relief, I felt calmer...if this statue costs €900 and she wants it, I used to reason it out and tell her to have it, not...to give me half the €900...and I work hard and buy another one that's slightly different so that I don't remember..." (Lorry, consenting payer)

The cases of Christian and Lorry both attest to social negotiation theory (Pruitt and Carnevale 1993) which refers to a dual-concern model of negotiation. Both cases are a classic example of how altruistic motivations in terms of giving their ex-partners more than their due are blended with self-centred ones: to reconcile in Christian's case, and to move on in Lorry's. In this way, Christian and Lorry can be said to have (temporarily or permanently) reframed the losses as being to their advantage. The cases thus also attest to equity theory, which states that underbenefited people may attempt to restore equity by psychologically reframing the situation as being to their advantage (Walster et al. 1978).

Three other consenting payers discussed perceived inequity which they had however not had a hand in. Gabriel, who resided with his parents, had reportedly spent a lot of money refurbishing the rented matrimonial apartment which his ex-partner was currently residing in. Alan expressed his view that it was unfair that his ex-partner had bought property when he had to pay rent on a low wage, although he conceded that he was happy that his child was living in a good house.

Omar was categorized as a consenting payer given that he did not raise objections to his legal child maintenance obligations and viewed maintenance as necessary for children as will be discussed later on, although at another point in the interview he expressed the opinion that employed mothers should not be paid maintenance. Despite this he paid formal maintenance and willingly paid for other things such as clothing, and sports and leisure activities, upon presentation of receipts as per contract which reportedly

specified that he was not obliged to do so. It was to these “extras” that he raised objections on the grounds of financial inequity across households:

“I see those [expenses] as unnecessary because she works, and her salary is far higher than mine.” (Omar, consenting payer)

Furthermore, he reported having ceded the matrimonial apartment to his ex-partner for the child’s benefit. Although he owned a home, it was still being renovated so he was living in a dilapidated old place belonging to relatives, in which his child could not sleep over. Omar said:

“I have it written down in the contract, when I have [money] I give her, when I don’t, I am sorry, I don’t have a cooker at home.” (Omar, consenting payer)

This statement may have served to assert a feeling of self-control. Although he claimed to have leeway not to pay for extras, he reiterated at several points during the interview that he had always paid for them. His ideal was to be able to pay for such extras by instalment, but his ex-partner had reportedly refused such an arrangement, insisting that he pay the outstanding sum when he can, in cash. In this sense he had some leeway in terms of timeframe. Omar harboured some hope in reconciliation, which may account for his acceptance of sustained losses, as in Christian’s case.

Amongst dissenting payers, the issue of financial inequity across households in terms of property was raised by three fathers. Eric brought up the issue of paying half the mortgage when his ex-partner still resided at the matrimonial apartment, and the unfairness of not being able to get his share of it before his youngest child turned 18: in his view, it would be fairer were this to happen when the youngest child turned 16. Max had bought property from one of his ex-partner’s family members with the transfer being listed as a donation, ostensibly to avoid having to pay taxation arising from the sale. Reportedly, his ex-partner refused to give him his share of the money due following separation. Additionally, she was reportedly fighting over property valued at over half a million Euros; and had alternatively asked for this to be listed in their child’s name. Max did not want to cede to the latter request, not wanting her to use the child to enjoy the property herself. William reported having spent a lot of money on the house which he had unsuccessfully wanted to keep. His ex-partner had given him his

share, but he reported on not having been given household goods which were reportedly his.

Complaints regarding inequity in terms of earnings disparities between households were raised by Douglas, Gerard, and Ryan, who all opposed child maintenance payment in part on this basis. Douglas estimated that his ex-partner earned more than twice as much as him from her business enterprise as well as the rental of property. Gerard earned a “limited” [sic.] salary, whereas his ex-partner was reportedly unemployed but lived a capricious lifestyle funded by her wealthy family. Ryan described his salary as “not bad/decent” and held a part-time job as well. He also had income from rental of property although he had temporarily lost this income due to the Co-Vid-19 pandemic. The child maintenance amount he was currently paying – in the region of €275-€325 plus half of health and education costs – was not much in his view, but he was opposed to paying it given that his ex-partner also had a good, if not better, salary. Terence was a notable exception in that he was not concerned about income inequity:

“The fact that she earns more than I do is not a problem at all.” (Terence, dissenting payer)

Two fathers, Simon (consenting payer) and John (dissenting payer) raised the issue of the unfairness of child allowance being given solely to mothers. Child allowance, formally termed child benefit, is a means-tested benefit payable by the State to each family residing in Malta having children under the age of 16. Simon wanted to be able to receive at least one out of four annual child allowances given by Government to parents, on condition of investing it in a bond for the child/ren, with his request presumably turned down by his ex-partner.

Simon’s request for one of four annual allowances could be said to show some understanding of the fact that his children were residing primarily with the mother. His statement asserts his good fathering in terms of not making use of the money for his own needs or wants. It also attests to his need to give money to the children directly. This was also evident in his having unsuccessfully tried to keep the matrimonial home and give his ex-partner her share, in order to be able to bequeath it to his children. Interpreted from Finch and Mason’s theory (Finch 1989, Finch and Mason 1993) his statements attest to the need amongst payers to fortify generalised reciprocity by increasing the visibility of contributions in their children’s eyes.

Only William (dissenting payer) appraised equity across households directly with reference to his adult child. He objected to still having to maintain his adult child who was a student. Besides receiving Government stipends, she also worked on a part-time basis. William argued that his adult child was probably in a better financial position than himself. Furthermore, this situation affected his single parent tax status and his tax had increased by around €200 yearly. He argued that child maintenance payment should either decrease or at the very least stay the same in such circumstances.

To summarize, therefore, financial inequities across households were reported across both groups, but were only linked to a reticence to pay formal child maintenance by dissenting payers. This is in tune with previous literature highlighting how fathers' construction of stances towards child maintenance may be shaped by their perception that mothers are in a better financial situation (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Taylor 2004, Dudova 2006, Hans and Coleman 2009, Natalier and Hewitt 2010, Natalier 2012, Casha 2014).

7.3.4.2. Caring for resident children

A sub-theme relating to the unfairness of mothers not paying child maintenance when fathers were children's primary carers emerged from interviews with one consenting payer (Owen) and three dissenting payers (Gerard, Terence, and Samuel).

The case of Owen, who lived with his widowed mother, is exceptional in that he was the only consenting payer to have had an experience of the justice system and the only father to have won primary residential status which he later relinquished due to facing a number of stiff challenges. These included logistical difficulties with school transportation which exacerbated his already-existing work-life balance difficulties; burdening his father with care; and not being in receipt of child maintenance:

“And I went through a very difficult time...But then I said, ‘I’m not receiving maintenance, I’m breaking my mother down [with caring responsibilities], I need to give my mother money...’ ” (Owen, consenting payer, 2 children)

Fearing he might end up broken, he and his ex-partner therefore opted, at a later stage, to revert to a more traditional arrangement with her having primary residential status and him paying her child maintenance.

Gerard (dissenting payer) and his ex-partner had three children, but he was not obliged to maintain the first child as it was his ex-partner's child from her former relationship. He had only made informal payments by way of giving pocket money directly to his two (adult) biological children, although he was on the brink of signing a separation contract in which he had agreed to pay formal child maintenance for his younger child until the younger child reached 23, which is the maximum age at which children have to be maintained if they are in full-time education or training. He reasoned that as there was a period of time when he and his ex-partner both had one of the children residing at their home, they should each have paid the other, with payments therefore cancelling each other out. He also reasoned that it was unfair that when the older one who resided with the mother reached 23, and his obligation to maintain the child therefore ceased, this equilibrium was no longer in place, and she was therefore obliged to maintain the younger child residing at his place, but did not. When the younger child moved back to her place for logistical purposes, however, Gerard was still expected to pay child maintenance for the younger child.

During the Covid-19 pandemic, Terence (dissenting payer) and his ex-partner had decided that his child would stay with him, as his ex-partner worked in a social care setting, and also given that Terence could help out the child more with home schooling. Terence thought it unfair that she still asked him for child maintenance payment in these circumstances. He had reportedly paid her a few months' worth of child maintenance but at time of interview had just informed her he was not willing to pay any more in such circumstances.

Samuel and his ex-partner had a split residency arrangement in which each had one of their fraternal twins living with them. Samuel said he had been told that he was paying the minimum amount of child maintenance as his ex-partner had a higher salary (although he was still the higher earner as she reportedly worked reduced hours). He reasoned that he should not be expected to help his nonresident child financially. Rather he felt that true gender equality entailed that his ex-partner should work full-time and juggle the work-family interface as he was doing and as he was expected to do by the judge, especially in a context in which she reportedly had help from her parents whereas he did not:

“Who is helping me rear this one on my own?...Nobody...So I have to work for my child who is staying with me, I have to do everything for [resident child] at my expense: private lessons...schooling, and transport costs, all borne by myself. And I have to help the other one as well!” (Samuel, dissenting payer).

Thus, in cases where fathers cared for resident children, fathers across both groups expected child maintenance payment from mothers, but only the dissenting payers still had child maintenance obligations in place, which they challenged. Two previous studies had reported on cases involving contestation of maintenance on the basis of a split residency arrangement (Taylor 2004, Casha 2014).

7.3.4.3. Paying more than due for nonresident children

An emergent novel finding was that of fathers expressing resentment at having to pay more than due when caring for nonresident children. The main tenet of fathers’ argument is that whereas they paid a share of mothers’ expenditures on children in the form of a monthly sum of child maintenance and/or half of health and education expenses, the opposite did not hold true, with mothers not being obliged to pay *them* a share of their expenditure when hosting and caring for children. Thus, fathers argued that expenditures related to water, electricity, and internet bills; food; clothing; health; education; and leisure were not shouldered equally by parents. As stipulated in article 19(2) of the Civil Code, expenses necessary for health and education are to be borne by the parents equally over and above the daily expenditures and monthly sum respectively (Ellul 2002). These expenses are sometimes included in the monthly sum and other times not, in which case receipts have to be shown (Schembri 2017). Fathers in this study argued that whereas they were obliged to pay mothers half of these expenses, the reverse never held true.

Amongst consenting payers, only three fathers raised the issue of paying more than due when caring for children. Alfred brought up the argument that as their child was left by the mother at the maternal grandparents’ for long periods of time, she did not incur as much expenses as he did, although he did not let it “bitter” [sic.] him. He assigned a score of 5/10 to his satisfaction with the amount of child maintenance, saying that he could cope but had under-estimated direct parenting costs and that with hindsight,

splitting health and education costs without any transfer of monies would have been fairer. In this respect he was the least satisfied of all the consenting payers.

Owen and Simon referred to extra expenditure in the form of buying clothes given that the mothers reportedly: sent children with the same set of clothing each time, or with torn/tatty clothes; or did not send children with appropriate occasional wear as requested:

“...I told her I will buy [occasion wear] myself, I mean, I give her maintenance!”
(Simon, consenting payer)

Simon also mentioned giving his ex-partner extra money for family events and talked about a list of things he had bought for the children including items related to health and education, which his ex-partner had not reportedly paid half of.

Paying more than due when caring for children was an issue for the majority of dissenting payers:

“In truth, I give her the money and still spend money on [child].” (Terence, dissenting payer)

“I pay double child maintenance as I pay her apart from paying from my pocket when [child] is with me.” (Gary, dissenting payer)

Gary qualified his statement, and partly accounted for dissent to paying child maintenance, in terms of the child spending more time at the maternal grandparents' than at the mother's. He complained that he was not eligible for the subsidy relating to the water and electricity bill, as children cannot get registered on two households for this purpose in Malta.

Dissenting payers placed emphasis on expenses relating to clothing and children's grooming, due to mothers not being seen as fulfilling their duties well in this regard:

“...because she is sending the child wearing pyjamas; I still buy clothes, I spend over €100 on children's clothes...” (Russell, dissenting payer)

“She never gave me any clothes, I still end up having to buy children's clothes...”
(Douglas, dissenting payer)

Part of Eric's construction of his reticence to pay child maintenance related to having to fork out money towards clothing and grooming expenses:

"...I give the mother money to give to [child] but in truth she does not do so, I am giving to [child]...as well, so it's a double gain for the mother. That's not fair, I don't expect her to live a life of misery but nor to live a life of wealth at my expense." (Eric, dissenting payer)

Bruce discussed direct parenting costs which were accounted for in terms of his ex-partner's reported lack of mothering skills, contextualized in her mental health difficulties. When asked by his ex-partner's lawyer why he was not paying maintenance, he replied:

"Dr., the reason is one: I have to do everything for my child from A to Z..."
(Bruce, dissenting payer)

He gave other examples of costs such as having to place calls to school staff to check whether his child had been sent to school; or to ask family members to pick up his child whenever his ex-partner called him at extremely short notice to notify him that she could not do so and he could not do so himself either as he could not always take time off work or find colleagues to substitute for him.

Perception of inequality in regard to health and education expenses was particularly stressed. Fathers complained that mothers did not, or refused to pay for, such expenses. Douglas felt robbed in regard to health and education costs on two fronts. He paid an all-inclusive child maintenance sum in the region of €525-575 for the children, but perceived unfairness of "ghost" health expenses given that they fell ill infrequently. The second perceived unfairness related to "paying double" for health expenses when he was the carer, which his ex-partner did not shoulder half of:

"But this is it, it makes no sense. The children have not fallen sick for months now. I'm giving her money for nothing. Plus, when they're with me and fall sick...I sometimes take them to the doctor and pay the doctor's fee myself..."
(Douglas, dissenting payer)

Fathers across both groups also talked about spending money on children in the form of giving children pocket money, buying children gifts, taking children out to eat, taking them on holidays abroad, or spending money on sports goods or memberships. These

expenditures served to portray them as good fathers who did not just pay child maintenance but also readily incurred additional costs. For example, apart from other costs on leisure and activities, Gabriel (consenting payer) mentioned spending €2,000 on a trip abroad with his child to watch their favourite sports team play. Simon from the consenting payers' group stressed that he bore sports-related expenses on his own. He also raised the issue of money spent on fathers' end when caring for children:

“Does the man not also have to pay for certain things? If he takes his children out to eat, is that not also money spent?” (Simon, consenting payer)

However, dissenting payers were more explicit in highlighting the unfairness of fathers having to shoulder the costs of sports, leisure, and gifts by themselves. Gary, John, and Terence (all dissenting payers) discussed the unfairness of fathers having to shoulder sports and leisure costs by themselves:

“Nobody gives *me* anything...it costs me over €1,000 annually, I pay for [child] to go abroad with the athletics team...worn-out sports shoes...everything.” (Gary, dissenting payer)

John had enrolled his child in a sporting class after reportedly consulting the mother but not asking her to pay him half the fee, although he conceded it was a small amount; and Terence said that his ex-partner did not pay him half the money he had spent on an extracurricular activity as she told him he should bear the full cost given that it was his idea.

Stefan was the only father who complained about having to pay double in terms of gifts. He estimated that he spent up to €200 monthly over and above the all-inclusive monthly sum which was in the region of €600-€700. He reportedly gave his ex-partner money for “big gifts” for the children such as mobiles but also bought his own, implying that his ex-partner did not give him credit by telling the children that the presents were bought jointly:

“...for example, for Christmas, she would say, ‘Look what your mummy bought.’ And I would have to buy presents as well because the kids would tell me, ‘You bought us nothing.’....I find it very, very unfair. I’m paying everything double.” [sic.] (Stefan, dissenting payer)

Stefan's quote captures the function of gifts as symbols of fathers' love, and fathers' fears in this regard that mothers refuse to highlight their role as provider, thus threatening their visibility, in line with the theoretical work of Zelizer (1994, 1996), as discussed further below.

7.3.5. Reflective summary of section 7.3

From a theoretical viewpoint, these findings lend support to all theoretical frameworks discussed in chapter 2. They lend support to the theory of negotiated commitments (Finch 1989, Finch and Mason 1993) which highlights the person's assessment of whether the timing for giving support is appropriate; balance between dependence and independence in relationships; and reciprocities. The accounts of some payers (mostly dissenting payers) indicated limited capacity to pay and thwarted financial independence, such that they reluctantly had to depend on third parties to get by.

The assertions of fathers (mostly dissenting payers) that mothers were not spending all the monthly maintenance amount on children imply that in their view, maintenance monies are not earmarked for children. In line with the work of previous scholars who drew on the theories of Finch and Mason (Finch 1989, Finch and Mason 1993) and of Zelizer (1994, 1996), this threatens visibility of their contributions (Bradshaw et al. 1999; Taylor 2004; Dudova 2006; Natalier and Hewitt 2010, 2014; Casha 2014) and generalised reciprocity (Bradshaw et al. 1999). A novel finding is that fathers reported reacting to this perceived loss by paying more towards children's care themselves which further eroded perceived capacity to pay; and linked such concerns to a reticence to pay child maintenance.

Findings also support the theory of social negotiation (Pruitt and Carnevale 1993) which posits that resources available are important factors, and that a blend of altruistic and self-centred motives may be at play in fathers' negotiations. The theory also highlights the role of the architects of the child maintenance regime *itself*. The findings address the research gap relating to how the two types of child maintenance in Malta are perceived by fathers. They have shown that both types were a cause of (mostly dissenting) payers' disgruntlement. Findings on perceived unaffordability and uncertainty regarding how maintenance is calculated resonate with those of Taylor (2004) who discussed how, in Ireland, judicial discretion was linked to negative affect

amongst fathers. But a novel finding related to perceived inequality in the child maintenance regime in regard to health and education expenses.

Findings also attest to equity theory (Walster et al. 1978) by showing how (mostly dissenting) payers worked out the ratio of (financial) contributions versus benefits and perceived themselves as underbenefited. Consenting payers tended to express less such concern, and indeed, some accepted sustained losses. But in working out contributions versus benefits, fathers failed to account both for the greater caring responsibilities shouldered by mothers, and for earnings disparities, except when they were reportedly disadvantaged in this regard. They operated from an equality rule perspective, and were not aware of, or disavowed, the proportionality or needs-based rules. Viewed from this lens, the findings confirm the importance of theory which focuses on hegemonic masculinity. Hegemonic masculinity accounts for the findings in this study and others (Taylor 2004, Dudova 2006, Natalier and Hewitt 2014) that fathers do not have a realistic appraisal of children's needs, given the existence of money management systems in which mothers may have been assigned as executors of the budget prior to separation (Kenney 2006, Burgoyne and Kirchner 2008). Hegemonic masculinity also accounts for opposition to mothers' entitlement to money in view of loss of control as particularly highlighted by Natalier and Hewitt (2010). This study showcases a novel perspective: fathers' insistence on overly exact egalitarianism, without taking into account mothers' greater caring responsibilities or pay disparities arising from structural gender inequalities.

7.4. Conclusion

This chapter explored how fathers' appraisal of financial contexts influence their choices around child maintenance payment obligations. The analysis helps to show the financial context to these fathers' lives and their perceptions of their financial situation as well as their expectations around shared financial responsibilities with the other parent. It highlights a broad range of complex financial circumstances with some apparently wealthy fathers at one end and some poorer ones at the other end being reliant on family or third parties for financial support alongside their wages. In addition, the housing situation in Malta is reflected in their accounts with high rents and difficulties purchasing property. However, it was not the purpose of the study to take a detailed history of father's financial situations to make objective judgments about affordability

of child maintenance, but rather to facilitate fathers to share their perceptions and raise their own concerns about finances. In their perceptions, there are some similarities as well as differences across the groups.

The findings show that consenting and dissenting payers alike both faced financial losses and housing challenges following separation, but dissenting payers reported more strongly about perceived unfairness of amounts of child maintenance obligations, and partly constructed their reticence about child maintenance obligations on the basis of unaffordability of child maintenance amounts in a context of greater reported hardship. As opposed to previous studies, there were commonalities between groups in that most fathers across both groups were currently paying maintenance and engaged in self-sacrificial measures, but also generally expected to be able to live a decent lifestyle.

Fathers also assessed the fairness of child maintenance amounts on the basis of financial egalitarianism which was another novel feature of the study. Mothers' financial circumstances seemed to be an influencing factor in relation to formal child maintenance only for dissenting payers. Perceived financial inequality in relation to shouldering costs across households was expressed far more strongly, and linked to reticence to pay child maintenance, by dissenting payers, who made it very clear in some instances that they were "paying double", because the mother was not paying her half of the expenses for health and education, or not paying the father maintenance deemed due when he was caring for the children. In assessing fairness in relation to child maintenance, fathers' accounts referenced their own needs and made comparisons across households but lacked reference to children's needs.

The following chapter explores how fathers' choices around child maintenance are influenced by their views on gender norms and on co-parenting.

CHAPTER 8: Fathers' Views on Parenting

This chapter addresses the main research question by discussing research sub-question 3) which is 'How is fathers' construction of non/compliance influenced by their views on fathering norms and their expectations around children's care?' Table 7 shows the typology of fathers' last past relationship involving children. Marriage was the most common type of relationship across both groups, but more dissenting payers had cohabited.

TABLE 7 Typology of last past relationship involving children

Type of relationship	Number of consenting payers	Number of dissenting payers
Marriage	10	13
Cohabitation	2	5
Non-cohabiting relationship	0	1
TOTAL NUMBER	12	19

This chapter starts by discussing fathers' access arrangements. It then discusses the quality of co-parenting relationships before examining how fathers endorse or contest child maintenance monies on the basis of their appraisal of gender roles.

8.1. Negotiating Access Arrangements

This section starts by discussing fathers' current access arrangements before discussing access as a key influencing factor in terms of its connection with child maintenance negotiations.

8.1.1. Consenting payers: Satisfaction with regular and flexible access

All consenting payers had access to their children and saw them on a regular basis. Only Karl had an equal shared parenting arrangement with his ex-partner. In all other cases, mothers held primary residential parent status, and the general trend was for fathers to see their children for a number of hours twice a week, and for some more hours – such as a day or a sleepover – during the weekend. For the majority, access arrangements were stable over time and flexible, in that they were also seeing children outside of stipulated access hours, with some reporting seeing their children daily. Access tended to be so flexible that some fathers did not even remember the exact access hours:

“...if something happens there’s an agreement, but we have never followed it...so I cannot tell you [what the access arrangements are]” (Ken, consenting payer)

“Three times a week, I think that’s what’s written down...because believe me...we can do what we want.” (Mark, consenting payer)

Consenting payers discussed how they negotiated tensions between access and work. Gabriel and Karl said part of the rationale for access arrangements related to their shift work. Some consenting payers also arranged their part-time hours (Simon), changed jobs (Lorry), gave up part-time work (Christian) or refused overtime (Gabriel) to ensure seeing children, although fathers’ main sources of income were unaffected by these choices. Simon reported sacrificing the possibility of changing to a better-paid full-time job as it would lessen access to his children.

Both parents’ needs were factored into access arrangements. One father and his ex-partner had agreed to alternate weekend days, such that each would have different days and nights off on alternate weekends. Consenting payers also reported on mothers asking them to take care of the children outside access hours, or allowing them access during holidays or during their time off work. They prioritized children’s needs by willingly foregoing some contact hours at certain times and seeing their children more at others. Older children were reportedly allowed by both parents to take decisions regarding time spent with parents:

“At times I spent five days without seeing [child] but sometimes [child] spent a week with me, change, it’s good for [child].” (Lorry, consenting payer)

“...[child] is free and if [child’s] with me today and tells me, ‘I’m going to my mother’s’...[child] can go any time...” (Karl, consenting payer)

Some had past difficulties with access but had managed to resolve them. Alfred had experienced problems when his ex-partner tried to deny him a sleepover. She was reportedly unsupportive of access by engaging in behaviour such as accompanying the child to his van and phoning during access, behaviours he believed could have potentially alienated his child from him. However, he reported discussing these matters with his ex-partner who consequently discontinued such behaviours.

Christian was the only consenting payer who was still dissatisfied with current access which in his view adversely affected his ability to execute his nurturing role appropriately. He talked of his child, with whom he had a great bond, as having been “taken away from him”. Christian experienced access time as limited, restricted, and inflexible: his child did not have a sleepover, and he reported not being allowed time with his child during public holidays. He was prepared to re-open negotiations over access in future.

8.1.2. Dissenting payers: Dissatisfaction with current access levels

The majority of dissenting payers also had access to children and saw them regularly. On paper there seemed no discernible difference between their current access arrangements and those of consenting payers. However, their accounts were marked by significant past conflicts or present tensions in regard to access. Three dissenting payers did not have access to children aged under 18 at time of interview. Liam had reportedly never met his only child from his last past relationship. Trevor reportedly had an open access arrangement which specified that it was up to his children to decide whether to meet him or not, and they were currently bringing up the excuse of “being busy” in order not to meet him. Samuel had a split residency arrangement. He had a good relationship with the resident child but was currently estranged from his nonresident child who lived with the mother continuously since she had left the matrimonial home. None of these fathers was willingly paying all child maintenance monies due: hence, there were no cases in this study in which child maintenance functioned as a gift for the child.

Unlike the access arrangements of consenting payers, those of dissenting payers typically involved changes over time due to disputes over access itself or over child maintenance payments. In only three cases – those of John, Bruce, and Trevor – did fathers elucidate how changes in access related to changes in child maintenance, or vice-versa, and these will be discussed further on in this chapter. Ryan and Terence had reportedly managed to influence the mothers to grant them more access time. Still, all reported dissatisfaction with current access arrangements which were perceived as adversely affecting their ability to execute their fathering role on both practical and emotional levels. Bitterness and resentment were expressed in relation to both a perceived loss of access given belief in equal shared parenting, and to perceived

maternal gatekeeping. Aside from refusing access directly, mothers reportedly used other strategies and tactics to curtail fathers' access. These included blocking fathers' communication with children; feigning children's sickness; using the Covid-19 pandemic as an excuse; restricting places where the fathers could pick children up or take them to; and having children spend time elsewhere, including by scheduling extracurricular activities during access time. In tune with findings by Bradshaw et al. (1999), fathers did not discuss which transgressions on their end could have led to problems with access: only Nathan acknowledged that there were times when he could not honour access arrangements as he was sick or at work. Some quotes captured feelings of humiliation and indignity:

"I have to beg for my child." (Nathan, dissenting payer)

"...not even...a pig...[Not even] a message...a photo, you have a child..." (Liam, dissenting payer)

Liam had never met his youngest child. His ex-partner had reportedly not even informed him about the birth of their child. She had relocated abroad shortly after giving birth.

Mothers were also reportedly inflexible with access arrangements. John and Russell argued that when mothers could not take care of their children, they preferred to leave them in grandparents', rather than in fathers,' care. Eric was unhappy about not being able to spend time with his child during his time off and/or when the mother was away.

In John's case, restriction of access potentially contributed to his reticence to pay child maintenance. He was satisfied with the original access arrangement and enjoyed good telephone contact with his children, but this changed, reportedly after she re-married. She filed court applications with allegations – including of aggressive parenting – against him, blocked his communication with the children, and restricted him to a few hours' access on a weekday. Although John held equal shared parenting as the ideal, and had explicitly stated that access should not be bought, he said at another point in the interview that he would not mind paying money had the satisfactory access arrangement been retained:

"I don't mind [paying] money for...our children. But she should pay...her half, first of all, you know? And I should have access to my children." [sic.] (John, dissenting payer)

His statement implied two important factors for payment. One was that “she should pay her half” as already discussed in chapter 7 and the other was that he connected payment with satisfactory access arrangements.

8.1.3. Child maintenance monies as a guarantor of access

Amongst consenting payers, there was evidence of willingness to use child maintenance monies to guarantee access in the cases of Alan, Alfred, and Christian, although as discussed elsewhere in the chapter, all three fathers saw child maintenance as needed for children. Initially Alan and his ex-partner informally agreed on a monthly sum in the region of €225-275, and agreed that he see his child a couple of hours a week. After some time, Alan agreed to increase the monthly sum by around €50 to gain more access:

“Eventually I [pause] managed to buy...more time.” [sic.] (Alan, consenting payer)

When difficulties with access resumed, he lowered the amount by around €100, before threatening to go to court, although this was not done as they eventually signed a contract at the end of the mediation process. This case clearly shows the exchange of child maintenance for access, with child maintenance amount being contingent upon the amount of access. Further evidence of a guarantor function of child maintenance lies in Alan’s answer to the question of how satisfied he was with his child maintenance payment on a scale from 1 to 10, to which Alan replied a “7 or 8”:

“And that’s mainly because she cannot stop me seeing the child anymore.” [sic.] (Alan, consenting payer)

Alfred’s case was less obvious. On the one hand, he separated child maintenance from access by refuting his ex-partner’s argument that if he did not pay child maintenance, she would not let him see their child, reportedly telling her:

“ ‘...you are wrong, maintenance and access are independent of each other.’ ” (Alfred, consenting payer)

It was not clear in which context this took place as he reported always being compliant although he reported a one-off misunderstanding around the transfer of money. But in his interview discussion on how they had agreed on child maintenance, it became

apparent that maintenance functioned as a guarantor for access. Alfred perceived his ex-partner as wanting to alienate him from his child during the early period of their separation. He wanted to negotiate a contract as quickly as possible, as a way of formalizing and safeguarding arrangements. His ex-partner reportedly did not want a monthly sum of child maintenance. However, he refused, wanting a formal child maintenance figure cited in the contract. He feared a huge bill arrearage in future, and he also wanted to safeguard access:

“...my aim rather than maintenance was access because I knew what she could be capable of doing...” (Alfred, consenting payer)

Christian had allowed his ex-partner primary carer status given that their child was still an infant when they had separated. His ex-partner had initially not wanted child maintenance, but he feared nonpayment might later be used to cut him off from the child’s life. Christian acknowledged the guarantor function of child maintenance in his case, although as reported further on his decision to pay was primarily driven by his sense of duty.

Dissenting payers in contrast, generally expressed reluctance to exchange money for access:

“For example, mine used to fight with access time so that I would give her more money and she said it to my face...” (Dan, dissenting payer)

“...it was...a tug-of-war...‘Give me more money and I’ll give you more access’ ...so that was the basis of the maintenance...” [sic.] (Tom, dissenting payer)

The basis of this reluctance could be accounted for in terms of their opposition to compromise along the lines of traditional post-separation parenting arrangements, as discussed in chapter 6. This linked to their belief in fathers’ rights to be accorded shared parenting and to their negative views on mothers’ care, discussed further on in this chapter. Fathers were therefore unwilling to ‘squander’ more money in a bid to gain more access.

Amongst dissenting payers, the guarantor function of child maintenance was evident in the case of Ryan who reported having always been compliant. Ryan had reluctantly agreed to pay his ex-partner child maintenance, and signed a contract to this effect,

primarily to get a good deal in relation to a joint property as discussed in chapter 6, but also to smooth his relationship with his ex-partner in order to guarantee access:

“...then you say, ‘Listen let’s fight the right battles.’...‘Cause obviously I really wanted...to have the property...And obviously I really wanted to have...good terms to see my child.” [sic.] (Ryan, dissenting payer)

However, Ryan was dissatisfied with current arrangements. He was in favour of shared parenting and against the transfer of child maintenance monies due to his ex-partner earning a good salary as discussed in chapter 7. He reported thinking of re-negotiating arrangements at an opportune time in future.

Another two dissenting payers – Douglas and Terence – had reportedly unsuccessfully offered their ex-partners an equal shared parenting arrangement together with a lower monthly sum of child maintenance money than they were currently paying. Although Terence was fighting for primary residential status, he said he was currently paying heartily as it showed that he was interested in the child. Although the term ‘heartily’ can be questioned, given Terence’s opposition to transfer of maintenance monies to the mother, the quote highlights the potential of child maintenance payment as a symbol of fatherly love, and fathers’ need for visibility, in line with the theoretical work of Zelizer (1994, 1996):

“...the fact that I am maintaining [child], in [child’s] eyes...shows that I am interested and that I love [child]...” (Terence, dissenting payer)

8.1.4. Reflective summary of section 8.1

Findings around access in this study contrast with those of Burgoyne and Millar (1994) and Bradshaw et al. (1999) in that all fathers desired access to, and a relationship with, their children. Secondly, contrast is also drawn with the study by Bradshaw et al. (1999) in that the majority of fathers currently had access to their children, and on paper there was generally no discernible difference in regard to current access times between the two groups of payers, although past challenges and current tensions relating to access were reported by dissenting payers. A third contrast may be drawn in relation to the justification to withhold child maintenance payments or to threaten to do so, on the basis of limited access arrangements, as was shown in the studies by Burgoyne and Millar (1994), Mandell (1995), Bradshaw et al. (1999), Bloomer et al. (2002), Taylor

(2004), Dudova (2006), Moore (2012a), Natalier (2012), and Casha (2014). In this study, only one father (John) explicitly linked reticence to pay to diminished access, albeit the majority argued for 50% of parenting time as will be discussed further on, which attests to equity theory (Walster et al. 1978) in that dissenting payers can be said to feel underbenefited in terms of both actual and desired access.

Some fathers in this study stated that child maintenance payment and access should not be related, as also reported by Burgoyne and Millar (1994) and Bradshaw et al. (1999). However, in practice, maintenance and access were shown to be connected together through reciprocal expectations between parents, and maintenance was used as a guarantee as shown by Bradshaw et al. (1999) and Taylor (2004). It was not a matter of 'buying access' but somehow an expectation that payment would help with access, that the mother should provide access especially if the father was paying. As opposed to previous studies, a minority of fathers from each group reported on child maintenance monies being used with varying degrees of success as a guarantor of desired levels of access, albeit relatively less willingness to do so existed amongst dissenting payers compared to consenting payers. In the case of those who negotiated traditional arrangements, this attests to Finch and Mason (1993)'s theoretical work on balanced reciprocity. Among other things, agreements over access arrangements were at times also implicated in the quality of co-parenting relationships.

8.2. Quality of Co-parenting Relationships

Co-parenting was defined by Hardesty and Ganong (2006) as parental involvement with each other following the relationship break-up on issues concerning children. There were stark differences between the co-parenting relationships of the two groups of fathers as discussed below.

8.2.1. Consenting payers: Respectful and collaborative relationships

All consenting payers except for Christian were satisfied overall with their current co-parenting relationship. Only Mark and Owen had what could be described as a friendly relationship with their exes. For the others, the relationship was more business-like, with communication focused on children's needs. A minority of consenting payers reported past or present difficulties in the co-parenting relationship, but all

relationships were currently marked by at least a basic modicum of mutual respect and collaboration.

Reported drivers of relationship breakdown (if mentioned), tended to be unicausal. Infidelity (only one case involved infidelity on the part of the father) was the most commonly cited reason and featured in seven cases. One of these reportedly involved a verbal threat of violence towards the mother subsequent to her suspected infidelity but also involved consequences of a past trauma to the father. Other cases featured: personality differences or growing apart (two cases); allegations by the mother that the father was abusive (one case); and reported enmeshment of the mother with her family of origin (one case). In this study, perceived enmeshment refers to concerns that mothers were inappropriately reliant on their families of origin including by spending too much time with them, and by reportedly taking decisions with them without involving the fathers. Some consenting payers acknowledged partial responsibility for the breakdown. Evidence suggests however that both parents had 'moved on' in terms of not conflating interpersonal hurt or anger with parenting issues.

8.2.1.1 Mutual respect for parenting roles

Three facets of mothers' respect for the fathering role emerged in the analysis: access arrangements discussed earlier on; mothers' support of fathers' relationship with children; and inclusion of fathers in decisions regarding children. Consenting payers all reported a positive relationship with their children, describing it as "good" or "excellent". Only Christian experienced a current lack of support for his role. He partly attributed her maternal gatekeeping to her own insecurity and reported having tried to reassure her about her own bond with their child. He said their co-parenting "cannot be worse" and recounted numerous stories attesting to her reportedly not involving him in the child's care plans. These included stories of her unenrolling the child from, and enrolling the child in, schools; and her having taken the child to a number of health and helping professionals, at times concurrently, which could have been harmful, without so much as even having informed him.

This topic around communication and involvement in matters regarding children was only discussed by a minority of other consenting payers. Omar and Karl were satisfied:

“...I go to school meetings, in fact my ex-partner has already sent me the date of the school play, we have kept strong contact on [matters regarding] the child.”
(Omar, consenting payer)

“...we always seek each other’s consent, if there is something we give each other the heads-up.” (Karl, consenting payer)

Gabriel and Ken, however, referenced past incidents where they did not feel involved. Gabriel discussed how he discovered that his child had bought a Playstation upon telling the child that he had just bought the child one, and felt irked that his ex-partner had not consulted him about it. Ken recounted that his ex-partner had once tried to exclude him from attending an extracurricular activity in which his child was performing, but he fought for his right to attend, and the situation was resolved. For Ken, the buck stops at the mother’s respect for the father’s role:

“I mean she has to understand it, it’s no-go.” (Ken, consenting payer)

In regard to respect for the mothering role, a minority of consenting payers addressed its importance for both the mothers’ and children’s sake. They gave examples of not badmouthing mothers and telling children to respect their mother, but also gave examples of assuming responsibility for role modelling respect towards the other parent:

“If [child] sees me talking to mum polite and respectful...[child] will do the same and vice-versa...I don’t particularly like her [referring to ex-partner], but for the sake of my child...you just got to...get on with it.” [sic.] (Alan, consenting payer)

Karl reported that his child had wanted to live with him, but he had replied that this was not possible, in part because the mother deserved respect:

“Inasmuch as I am [child’s] father, she is [child’s] mother.” (Karl, consenting payer)

Such respect was another reason for fathers opting not to challenge behaviours on their ex-partners’ part, including at times when their children reportedly experienced dissatisfaction with aspects of living at their mother’s, although ostensibly fathers assessed that their children were not in serious difficulties:

“I tell him that’s your mother, be patient...I know that if he tells her, ‘I’m not coming here anymore,’ he will definitely drive her crazy.” (Lorry, consenting payer)

“...[child] tells me, ‘I’m alone, dad’. I cannot intrude because your time with her, if she wants to go out, she goes out.” (Karl, consenting payer)

8.1.1.2. Child-centred parenting

The majority of consenting payers talked about acting in children’s best interests. Gabriel and Omar discussed moving out of the matrimonial home so that their children could continue to reside there. As discussed in chapter 7, Omar reported having ceded the matrimonial home, although he still expressed hopes of reconciliation, so this could have been another factor contributing to his decision. Karl’s ex-partner “gifted” him the use of the matrimonial home for the child’s benefit. Karl also stated that part of the rationale for sharing access related to their thoughts around the child’s best interests. In Mark’s case, the original decision that he stay in the matrimonial apartment was reversed after their child, who resided with the mother in another village, badly missed her former town community.

Child-focused parenting was also evident as consenting payers highlighted the importance of maintaining a good co-parenting relationship, and of parents’ joint presence at events for the children’s wellbeing:

“...it’s important to have a good relationship between the mother and the father because...[children] feel you.” (Owen, consenting payer)

“...so that [child] does not see mother and father as north and south, [but] will continue to see them both together.” (Omar, consenting payer)

Another facet of putting children first entailed being proactive in shielding children from conflict and pique between parents so that children would not be impacted negatively:

“It’s not fair and they go through trauma, especially when they are still young.”
(Karl, consenting payer)

“...I do my best...because I believe that with conflict and insults, children will suffer...” (Owen, consenting payer)

For this reason, some engaged in strategies or behaviours to avoid the potential of conflict. Simon and Lorry at times opted to do some things themselves rather than bring the matter to their ex's attention. Alfred discussed how he had ceased trying to influence his ex-partner's parenting behaviours. This was partly driven by his fear that it could be used to alienate his child from him given that his child had once told him that the mother had been angry about him (Alfred) having advised her what to do. It was also driven by reflecting on the child's best interests. When his child reportedly told him about not spending enough time with the mother due to being left in his grandparent's care for long stretches of time, Alfred desisted from taking up the matter. This was partly because he felt his child should spend time with other family members and partly due to his belief that his child should not be subjected to negative emotions:

“...I can try to get custody of my child because I have more of a right than the grandparent to spend more time with my child...but then I have to say, is it wise...does it not create more stress and tension for the child?” (Alfred, consenting payer)

Gabriel reported that his child had not always spent weekends with him and that his ex-partner had at times left the child alone with her partner. However, he chose not to challenge these transgressions of the contract, contingent on his child's happiness:

“...were I to know that our child is unhappy I wouldn't accept, but I know that my child is content, so I say why should I stir trouble?” (Gabriel, consenting payer)

This could also have been linked in his mind to preserving the child's good relationship with the mother, which he deemed as important given that the child spent a lot of time with her.

8.2.2. Dissenting payers: Hostile or nonexistent co-parenting

All dissenting payers, bar Ryan, described their co-parenting relationships as “non-existent”, “very/bad” or “disastrous”, and discussed a perceived lack of respect for their roles as fathers on the part of mothers. These included accounts of mothers not involving them in decisions related to children, in areas including health, education, mental health care, and emotional welfare. In terms of education, mothers were alleged to have told school staff not to give information to fathers, or to have enrolled or

unenrolled children in schools without fathers' permission, with the father in one case having to spend money on re-enrolment in a non-State school.

Dissenting payers also perceived mothers not to support their relationships with children. Although nine dissenting payers had good relationships with children, the other ten had strained or nonexistent relationships with some or all of their children. Dissenting payers expressed bitterness and resentment as they attributed such difficulties to mothers' restriction of access discussed earlier on as well as to perceived obstruction of family bonds. A minority of dissenting payers used the term "parental alienation", although only one father showed cognizance of the scientific meaning of the term as coined by Gardner (1998) which refers to a child being turned against a parent with whom the child had previously had a close and loving bond by another parent. At times, fathers used words like "campaign", "mantra", or "mission" to describe a perceived concerted effort by mothers to estrange their children from them. Such obstruction was portrayed by some as a form of damaging child or mental abuse. Perceived obstruction of fathers' bond with children was reported to come in various forms including badmouthing fathers to children:

"...they had the idea that I had abandoned them, and I that I wasn't giving their mother anything, when the truth was that their mother had filed an application, and obviously I had two months' arrears." (Eric, dissenting payer)

"She obviously told them and still tells them that I do not want to pay money as a form of revenge, that I was never interested in them..." (Trevor, dissenting payer)

Allegations made by mothers of bad fathering, aggression with children, or abuse served as reasons to deny fathers access and were also perceived to obstruct their bond with children. Jason and Tom explicitly discussed having been accused of sexual abuse. An accusation of sexual abuse was also implied by Stefan in statement that he was given instructions on how to pick up his toddler child from the floor. These allegations were seen to constrain their freedom to parent as they saw fit:

"Being with the child...speak with the child, protect the child...I've been restricted of doing them. Because even 'protect the child', with the case I had, legally it's turning against me." [sic.] (Tom, dissenting payer)

In two cases mothers were seen as obstructing the bonds of other family members too. Dan, who did his best to create a blended family involving children from both his relationships, was concerned that his ex-partner was alienating their child from his new partner, when in his view, she had no justified cause for doing so as he had met her after the separation. His child refused to acknowledge his current partner as family, which he attributed to her mother's influence on her:

“...the child prefers a dog as family to [current partner], she tries to hurt her.”
(Dan, dissenting payer)

Samuel's split custody case was exceptional in that the ex-partner was perceived to have ruined not only his relationship with one of the fraternal twins, but the siblings' relationship as well. The mother reportedly “hated” one of the twins from birth and subjected the child to scapegoating and severe beatings. Samuel's refusal to support such mothering behaviour reportedly led to the mother ruining the now nonresident child's originally good relationship with Samuel:

“...she started to negatively influence [the child] by saying, ‘Because your father loves the other one because he always sides with the other one.’...and little by little...when we separated contact was almost nonexistent.” (Samuel, dissenting payer)

By Samuel's account, when the mother left, she took her favoured child with her. For some time, court-mandated supervised access visits with one parent at a time seeing both children, and later of the children alone took place, but the mother reportedly stopped both kinds of access visits, and the siblings were currently estranged from each other.

Ryan was the only dissenting payer to report an overall “good spirit” in terms of co-parenting: for example, his ex-partner informed him about extracurricular activities, and had agreed to give him more access time than was originally stipulated in the contract. He also perceived that their careers and the Covid-19 pandemic had reinforced their need for inter-dependence.

A minority of dissenting payers did discuss the importance of respecting mothers in terms of not badmouthing mothers in front of children and of asking children to respect their mothers. Unlike consenting payers, however, they did not discuss how they

personally engaged in behaviour that respected mothers' roles. This is best understood in terms of strained pre- and post-separation relationships. Their accounts of relationship breakdown were generally multicausal. There was one case which reportedly only involved personality differences/growing apart, and another which involved explicit allegations of intimate partner violence against the father. But in all other cases there was a complex mix of two or more common emergent themes: financial difficulties or conflict over money; challenges negotiating work-life interface; mothers' mental health difficulties; perceived enmeshment of the mother with her family; and mothers' infidelity. Some fathers acknowledged some responsibility for the breakup and/or their own mental health challenges, but mothers were generally portrayed as being the main cause of the breakdown, and described in pejorative terms such as money mongers, jealous, possessive, controlling, manipulative, and vindictive. In fathers' accounts, therefore, mothers' personal attributes accounted for their inability to co-parent with them:

"I wished...we could co-parent, but she's not capable of, actually all she wanted is just to denigrate me, she wanted the child for herself, and she wanted me out of the equation..." [sic.] (Jason, dissenting payer)

"I cannot co-parent with her...the child, unfortunately, lives in two worlds." [sic.] (Tom, dissenting payer)

As these quotes show, dissenting payers held mothers responsible for piques, which in turn justified nonpayment of child maintenance in Jason's view:

"...when there were months when I did not give it to her [referring to child maintenance]...it was a protest on my part due to certain piques she was creating." (Jason, dissenting payer)

Ryan seemed the only dissenting payer able to overcome bitter feelings towards his ex-partner, discussing the importance of his child spending time with the mother, respect for the mother's role and putting his child's needs first:

"...unfortunately...what you've been through, sometimes you have some...bitterness with the mother of your child, but you have to...focus on the child and obviously she remains the mother of my child." [sic.] (Ryan, dissenting payer)

The accounts of other dissenting payers did not yield evidence of child-focused co-parenting. Whilst fathers in the dissenting group did talk about how they themselves acted in children's best interests, their accounts were dominated by criticism of the mothers and indicated gridlock between parties over differing views of children's best interests, as will be discussed in section 8.3 below.

8.2.3. Reflective summary of section 8.2

These findings closely correspond with previous findings that payers' co-parenting relationships tend to be marked by collaboration, perspective-taking, and child-centred co-parenting practices despite challenges and/or a frosty relationship (Bradshaw et al. 1999, Taylor 2004, Hans and Coleman 2009, Natalier 2012, Natalier and Hewitt 2014). Previous works have also shown that reticence to pay tends to be linked to poor co-parenting relationships which may feature anger or hostility at mothers (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Natalier 2012, Casha 2014, Natalier and Hewitt 2014). Collectively, therefore, these findings show the powerful influence of the co-parental relationship on fathers' commitment to payment. They support the theory of social negotiation (Pruitt and Carnevale 1993) and of negotiated commitments (Finch 1989, Finch and Mason 1993) which posit that payers assess obligations in the context of their relationships. The intended recipient of child maintenance is the child, but fathers develop commitments to pay child maintenance with mothers as trustees of the monies, not with children, as first noted by Bradshaw et al. (1999). Mothers' trusteeship of child maintenance monies was also a powerful influence on fathers' decisions to pay, as discussed below.

8.3. Endorsing or Contesting Child Maintenance on the Basis of Gender Role Appraisal

This theme discusses fathers' endorsement or contestation of child maintenance monies based on their appraisal of gender roles. Their views on fathering norms are discussed first, followed by their perspectives on their ex-partners' execution of the mothering role.

8.3.1. Consenting payers: Identification with the provider role

The majority of consenting payers endorsed financial obligations to their children. For example, Omar said:

“...maintenance is there...because it’s needed....it’s for my child...” (Omar, consenting payer)

Alan’s quote emphasizes his acceptance of perceived duty to provide financially for his child:

“...I’m still [child’s] father and I still have responsibility...Whether it pains me to give [child’s] mother money or not...it’s not for [child’s] mother, it’s for my child...” [sic.] (Alan, consenting payer)

His sense of duty could be said to have been influenced by his own upbringing in which he wanted to do the “right thing”:

“I grew up with a father who didn’t care. He didn’t give my mum anything. I didn’t want to be that way. I wanted to make sure I always did the right thing for my child.” [sic.] (Alan, consenting payer)

Other consenting payers also emphasized their duty to provide financially for their children:

“...the children wanted for nothing, my ex-partner too...” (Simon, consenting payer)

“Your child should want for nothing.” (Gabriel, consenting payer)

“A good father has to be there for any eventuality. Be it of a financial or moral nature.” (Lorry, consenting payer)

“...I got it into my head, that whether I had separated or not, I still had to fork out that money, because those children are mine...” (Owen, consenting payer)

“...I need to provide for my child, my paternity feelings force me to do something...” (Christian, consenting payer)

Nevertheless, three consenting payers (Alan, Alfred, and Christian) expressed a preference for shared parenting as an ideal. Christian endorsed payment as a duty but stressed that:

“Money cannot buy care or love and I do not feel I am taking care of [child] as I should” (Christian, consenting payer)

This preference could be linked to difficulties with access and, in Alan and Alfred’s case, to avoiding money transfer, given that Alan perceived the sum of maintenance as high and Alfred reported having under-estimated direct parenting costs. Both Alan and Alfred stated that in the case of shared parenting no monies should be transferred:

“I think everything should be more fifty-fifty...then there is no reason that anybody has to give- pass money” [sic.] (Alan, consenting payer)

A notable exception in terms of attitudes towards transfer of child maintenance monies was Karl who had an equal shared parenting arrangement with his ex-partner and a good co-parenting relationship. But he did not pay a monthly sum of child maintenance, stating it made no sense to do so in view of shared parenting. As per contract, he only paid for half the health and education costs pertaining to his child. Karl’s ex-partner reportedly came from a well-off family. Of note however, is that Karl did not argue that such an agreement should be conditional on financial equity between couples. For Karl such an arrangement should be normative unless children were under two years of age or there were mental health issues on either parent’s part. Although Karl was a consenting payer, his views on child maintenance were similar to those held by dissenting payers.

8.3.2. Dissenting payers: Belief in re-direction of child maintenance monies

Dissenting payers renounced the duty of transferring maintenance monies. They tended to position the nurturing role of fatherhood as superior to the provider role:

“...you see the best interest of the child; you don't look at the material things...”
(Liam, dissenting payer)

“Ideally I would go for shared parenting when the parents can do so...because there are those whose work does not permit them to do so; or perhaps he doesn’t have time for children as he finds a partner and says, right now my

partner is my priority, I prefer to give money and live my life. But there are dedicated fathers who say I can teach them, I can enjoy them, I can give them everything.” (Douglas, dissenting payer)

A novel finding of this study relates to the majority of dissenting payers being in favour of equal shared parenting which they argued did away with the need to transfer child maintenance monies:

“...the maintenance has to go. I believe in 50, 50...equal shared parenting...”
(Liam, dissenting payer)

Dissenting payers agreed that health and education costs should still be split, and stressed that in this way, each parent would still be maintaining the child directly:

“It’s like a taboo here in Malta...because they say that the father doesn’t want to provide maintenance. Of course, I want!” [sic.] (Ryan, dissenting payer)

Fathers presented their rationale as relating to parenting rather than to it being financially advantageous:

“...a good contract for me nowadays is where there is equality between parents...and the child...has the ability to see the father just like the mother...it’s not for the money.” [sic.] (Tom, dissenting payer)

None of the dissenting payers reflected on pay disparities between parties. Whilst Bruce acknowledged that women were disadvantaged in the employment sphere, Gary did not believe in the gender pay gap, based on perceptions of conditions at his workplace.

Whilst shared parenting was one way the dissenting payers could still express their sense of duty through direct caring of children, another way was a preference amongst a minority of them for investing child maintenance money directly into bank accounts for children:

“... I told [ex-partner] let’s each pay out [monthly child maintenance sum] and invest them in a bank...we can then cover all expenses from this account, but she didn’t want...because she is also living off the sum [I give her].” (Dan, dissenting payer)

“If I could give more I would, but...not to my ex-partner to manage, I would find another way...for example, a bank account...and deposit there.” (Max, dissenting payer)

“I don’t know if she is giving it to [child]...What should happen is, when [child] turns 18, the money should go to the child...” (William, dissenting payer)

Dissenting payers’ belief in equal shared parenting and opposition to transfer of child maintenance monies can be attributable to their wishes to bypass access problems and mothers’ trusteeship of child maintenance monies, which is discussed next.

8.3.3. Consenting payers: Overall satisfaction with mothers’ trusteeship of child maintenance monies and caring abilities

Fathers across both groups expected that mothers use child maintenance monies appropriately. There were both explicit and implicit references to loss of control over money in the form of mothers using children to maximize payments.

Among the consenting payers’ group, the implication that mothers should use maintenance monies appropriately was evident in Simon and Gabriel’s negative statements about some other mothers they knew of who “live off” maintenance and in Simon’s statement that he knew of mothers who claimed false health expenses. It was also implied by Mark’s statement that his ex-partner used money appropriately:

“...she is careful with money, she doesn’t have her nails done and things like that, she cooks, they do go out as well...” (Mark, consenting payer)

Despite a reportedly negative co-parenting relationship, Christian expressed trust in his ex-partner’s management of maintenance monies.

The majority of consenting payers did not discuss their exes’ use of child maintenance monies, and this could be interpreted as their not having any concern over the issue. However, four fathers expressed degrees of scepticism as to the mothers’ appropriate use of child maintenance, implying that mothers were using at least part of it for their own ends. Omar’s ex-partner showed him receipts for extra expenses, which he paid half of as per contract although he was not obliged to, but he was sceptical about her management of the monthly sum of child maintenance. Although he mentioned trusting her, the quote alludes to scepticism and mistrust:

“...I trust her, but sometimes I think...how are they being used, because she never tells me.” (Omar, consenting payer)

Ken’s ex-partner had left him for a new partner with whom she now had another child, and Ken perceived that at least some of the money could be going towards funding her new family’s life:

“...she does not spend [around 300 Euros], definitely...are they going to [child’s] sibling, is he [referring to her partner] buying beer with them...?” (Ken, consenting payer)

This, coupled with the fact that his ex-partner’s new partner reportedly had unstable employment, could explain why Ken gave the (under) fifteen-Euro monthly rise in child maintenance payment directly to his child, reportedly with the mother’s knowledge. However, he did perceive his ex-partner to use child maintenance judiciously to some extent:

“...I can’t say my child is badly dressed, and school, books, uniform. Can [child] be better?...everyone can be better...But I’d say we’re there, though she doesn’t spend [the whole amount] on the child definitely.” (Ken, consenting payer)

In Simon and Owen’s case, mothers were reported to send children with the same set of clothes, or with torn or inappropriate clothing. However, in another statement, Simon said:

“...they want for nothing. Their clothes are always clean, they are well-dressed...” (Simon, consenting payer)

Although his statement seems to contradict his reports on the clothing she sent children with, he likely perceived her as feeding and clothing them well when they were in her care, and thus using child maintenance monies well to a large extent.

Owen reported that his ex-partner had asked for child maintenance per fortnight rather than per month so that she would gain another few hundred Euros per annum. He expected slightly better of his ex-partner but showed some understanding:

“...I am forking them out, so I want to see, I want results...I understand...that life...is expensive...” (Owen, consenting payer)

Additionally, any misgivings these fathers had may have been dampened by the generally positive view they held of the mothers' caring abilities. Even though at times they could be critical of the mothers' parenting styles, they variously believed that:

"She brings the children up well..." (Simon, consenting payer)

"...she takes good care of [child]..." (Ken, consenting payer)

"...she is a good mother insofar as child upbringing is concerned..." (Alfred, consenting payer)

Only Owen and Christian reported on mothers' shortcomings. Owen mentioned some examples of perceived bad practice in regard to children's grooming on his ex-partner's end, but stated that she was "not bad" in terms of mothering overall. Christian reported having disagreed with her on issues relating to their son's developmental needs but did not critique her basic caring abilities.

8.3.4. Dissenting payers: Deep mistrust of mothers' trusteeship of child maintenance monies and negative appraisal of mothers' caring abilities

As opposed to consenting payers, all dissenting payers reported on a loss of control over money in the form of mothers using maintenance as a tool to make money out of fathers, thereby expressing much more mistrust than consenting payers. Dissenting payers reported being cheated out of money by mothers in the form of: inflation of expenditures, false claims, unnecessary expenditures, and inappropriate spending. Some reported on inflated estimates of expenses presented to court:

"She presented bills for...[close to] 2,000 a month...She was collecting all these receipts from everywhere..." [sic.] (John, dissenting payer)

"Water and electricity...[between] €100-150 per month...For all the family. But children don't use as much as adults do. She mentioned [an educational method]...the head of school told me we don't do that...she totalled up expenses of over 1,000 a month...I checked with the head of school...if there was a 100-Euro expense on stationery she put down 300." (Douglas, dissenting payer)

Reports on false claims or on expensive or unnecessary expenditure on mothers' part often related to health, education, or extracurricular expenses. To avoid this happening,

Nathan had ensured during contract negotiations that education and health expenses be included in the monthly child maintenance sum. But four other fathers contested their child maintenance payment obligations on these grounds. William, who asserted that his ex-partner had stolen money from him during their marriage, reported on her small claims and also implied potential false claims by referring to receipts not having literal descriptions of the items. His ex-partner had reportedly included cosmetics or medication for his elder (adult) child, whom he was not obliged to maintain, as medical expenses. William also reported that he paid her half of a consultant's fees she claimed to have paid until the consultant informed him there had been no such charges. William consequently told his ex-partner that he would not pay half the health expenses from that point on.

The contestations of John, Max, and Trevor hinged on their not having been consulted and the resultant loss of control. John and Max's cases were discussed in chapter 6 as the judicature's decision affected the outcome of the case and their satisfaction with the child maintenance payment amount. Trevor's case related to claims by his ex-partner that he owed her between €5,000-€6000 for health, education, and extracurricular expenses. He referenced his ex-partner's moneymaking attempts by saying that she even asked him for five or ten-cent expenses; that she presented erroneous expense claims; and that she incurred an unnecessary expense of (close to) €2,000:

“...so she just goes ahead and spends, wasting money, she buys without consulting me...[contrary to] what is stipulated in the contract.” (Trevor, dissenting payer)

He also perceived the mother to have used some of these activities to limit access. Trevor stressed that his contestation of these monies was not due to lack of care for children on his part. He reported satisfaction with the monthly sum of child maintenance – although this is not entirely accurate on account of his contestation of its calculation reported in chapter 7 – but dissatisfaction with not being consulted:

“Maintenance was never an issue, but the issue is that you decide without involving me in anything.” (Trevor, dissenting payer)

He attributed a perceived restriction of access to be primarily motivated by the mother's wish to coerce him into paying child maintenance she felt was owed:

“...she did this to make me afraid so that the money she is asking for, which she spent without involving me...I told her I would not pay for those expenses.”
(Trevor, dissenting payer)

Some accounts implied that maintenance monies funded the mother's lifestyle:

“...why should I work more to enjoy a reasonably good standard of living, and [why should] she work less and take money from me?...to lead a capricious lifestyle?” (Samuel, dissenting payer)

“...I want to maintain the child, not the mother...” [sic.] (Ryan, dissenting payer)

Gerard also expressed scepticism that money was going towards his child's needs. On top of his perceptions of financial inequity reported in chapter 7, his perceptions were also coloured by his accounts of his ex-partner's difficulties in managing money during the marriage, which rendered her incapable of judicious use of child maintenance money in his eyes. His ex-partner had reportedly engaged in financial fraud including by stealing cheques from him and money from the children's cards; and had also accrued debts, which he was legally (and in his view, unfairly) responsible for as her husband. Although she had pledged to give him half the amount of debts accrued, he still felt robbed. In relation to satisfaction with maintenance, he said:

“In terms of, if the money goes to my child, I would say, I would like to give more, in that case I would tell you 100% satisfied because I would like to give more. If you ask me whether it is deserved or not, I would tell you zero, because totally she doesn't need this, so I feel robbed that I have to give this much.” [sic.]
(Gerard, dissenting payer)

Some dissenting payers were concerned their money was being spent on members of the mothers' new family. Jason critiqued his ex-partner regarding her consumption of clothing for their child and also argued that maintenance should be used to buy food and clothing, implying that it wasn't. But in what could be at least a partial contradiction, he said he held back from his original thought of giving her more child maintenance money because:

“...I am giving you maintenance, you have children from someone else, what you buy for my child, they will use tomorrow...it’s not fair.” (Jason, dissenting payer)

Eric, who acknowledged still harbouring romantic feelings for his ex-partner, had felt usurped by her new foreign partner, whom he had perceived as destroying any chance of reconciliation. He was livid that the partner was reportedly living in their matrimonial home, which he was paying the mortgage for, and living off his payments. These were major factors accounting for his low satisfaction score with child maintenance (3 or 4 out of 10):

“He’s eating off my back and living in my home...if she asked for [between €375-€425] food expenses, those do not only relate to children’s expenses, but to hers and her partner’s too...even the fact that she goes abroad three times a year...I feel these things are very unjust.” (Eric, dissenting payer)

The lack of control over child maintenance monies and need for visibility was particularly highlighted in this study in the case of Nathan. Nathan expected the monthly child maintenance sum to be used on clothing and expressed disappointment that the mother had reportedly never even bought the child a decent pair of slippers. In an attempt to ensure his expectation was met, he dissuaded his own mother from buying clothing as a gift, asking her instead to buy her grandchild things such as toys. ‘Invisibility’ was such a concern for Nathan that he took it upon himself to tell his child that he cannot buy clothes for the child as he has to give money to the mother. However, visibility for Nathan was threatened even if his ex-partner used money specifically on the child’s needs:

“If she’s saving up, who takes the credit? If she takes the child abroad, who takes the credit? She does!” (Nathan, dissenting payer)

The visibility dimension to this quote is starker in the Maltese language because the Maltese phrase for “takes the credit” is “*min jidher*” which literally translated in English is “who gets seen” or “who is visible”, powerfully affirming the symbolic loss of provider role if mothers do not, in their view, highlight their contributions, as argued by Bradshaw et al. (1999); Taylor (2004); Dudova (2006); Natalier and Hewitt (2010, 2014); and Casha (2014).

Mothers' caring abilities were also appraised negatively by dissenting payers who reported on mothers: not cooking good food for children; not engaging in good practices in regard to children's hygiene and grooming; not supporting children's educational or wellbeing needs; not playing with children; leaving children with grandparents for a long time; exposing children to foul language; using substances in front of children; rejecting children; and beating them up. These negative appraisals were used by fathers to justify their contestation of both access arrangements and child maintenance monies. On the basis of a negative appraisal of their ex-partners' caring abilities, a minority of dissenting payers were engaged in legal litigation to attain primary residential status. Some of these fathers reported that their children had told them that they wanted to live with them. Jason was one of these fathers. He had been accused of sexually abusing his son, and said it was not just him who had suffered a trauma, but his young child too. He referred to the "martyrdom" his child had gone through by having been "pushed around" in terms of having had to visit hospitals or be seen by police and lawyers. This justified his thoughts of legal recourse to asking for his child maintenance money back:

"...I am already considering, with my lawyer, considering the tortures she put my child through...I am nearly ready to ask for my money back." (Jason, dissenting payer)

Another of these fathers was Bruce who reported on his ex-partner's apparent mental health difficulties. Bruce narrated several stories attesting to her poor parenting, and he directly attributed this to his decision to stop paying child maintenance for a period of time. Bruce explained he had gone abroad for around two months and entrusted child maintenance money with a family member, despite his child staying with his family, which meant that in theory his ex-partner was supposed to pay him child maintenance for that period. Upon his return he was reportedly told that his ex-partner had taken the money but had not once visited the child. Arguing that he was "literally throwing his money away", he stopped paying child maintenance. He reported that his ex-partner accepted nonpayment for around a year but then withheld access for around a year until a court case resulted in new parenting arrangements including access for Bruce. As discussed in chapter 7, the mother's reported lack of parenting abilities was also linked to Bruce incurring direct parenting costs, which formed the basis for another rationale for contesting child maintenance.

Three other fathers who also felt they had a case for being the better carer similarly gave accounts which more clearly straddled both the issues of misappropriation of maintenance monies and mothers' lack of caring abilities. Gary for example assigned a satisfaction score of 5/10 in regard to his child maintenance payment, stating:

“...5, because if I paid and my child really benefitted from it, I wouldn't bother, but [she feeds my child]...bread with *nutella*, plain vermicelli...I buy salmon, grouper, I do stuffed meat for [child]...if she bought these food items I would take my hat off to her and say...my child is eating well...” (Gary, dissenting payer)

Terence, whose ex-partner reportedly suffered from severe mental ill-health difficulties, was similarly dissatisfied with her for not spending money on care for their child, not even on basics such as food, with the child reportedly having complained about this to him. Terence accounted for his low satisfaction (2/10) with child maintenance thus:

“The problem is...there's no control over how the money is spent.” (Terence, dissenting payer)

Russell's court application for primary residential carer status was based on a number of issues including the child's exposure to dysfunctional environments and the mother's use of alcohol including in his child's presence:

“...I don't agree with [maintenance] because there was alcohol involved in our breakup...” (Russell, dissenting payer)

Fathers' views on appraisal of gender norms are discussed in the light of extant findings and theory in the next section.

8.3.5. Reflective summary of section 8.3

The findings reflect the relevance of social negotiation theory (Pruitt and Carnevale 1993) on two fronts. The theory posits that fathers' post-separation parenting aspirations and norms are two important factors in explaining negotiations and adherence to child maintenance obligations as shown by Taylor (2004). This was also shown in this study in that dissenting payers contested payment on the basis of more active parenting aspirations which they tied to a preference for direct maintenance, whereas consenting payers' acceptance of the provider norm of fatherhood was highly influential in shaping their decisions to comply with child maintenance obligations. This

resonates with findings linking endorsement of child maintenance monies to a sense of duty or responsibility (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Dudova 2006, Hans and Coleman 2009, Natalier 2012). Conversely, abstraction of provision from care (Natalier 2012) and countering perceived consumerism (Natalier and Hewitt 2014) both provide legitimate excuses not to comply with obligations. These findings can also be interpreted from equity theory (Walser et al. 1978). The majority of fathers supported parenting egalitarianism in the form of equal division of childcare, referencing the equality rule. Consenting payers could be said to operate from a child needs rule in acknowledging the importance of financial provision, but a few of them also espoused the equality rule in believing in both shared parenting and financial provision for children.

In terms of the symbolic meanings of child maintenance, none of the fathers explicitly talked about child maintenance as an entitlement for either the children or the mother. However, the accounts of the majority of consenting payers indicated that they saw it as *needed*, referencing its function in relation to acceptance of the provider norm. As discussed earlier, child maintenance monies also had a guarantor function for some fathers, confirming previous arguments (Bradshaw et al. 1999, Taylor 2004) that child maintenance monies can have more than one function for payers.

The symbolic as well as practical significance of maintenance monies is also strongly evident in the interpretation of fathers' accounts of mothers' trusteeship of such monies. In essence findings highlight degrees of mistrust between separated parents, arguably made worse under the Maltese system of having parents provide receipts for specific expenditures on health and education which seems to raise much contestation, scepticism, and suspicion among this sample of fathers. Or at least it provides another thing for mistrusting parents to argue over. These findings are commensurate with other studies (Burgoyne and Millar 1994; Mandell 1995; Bradshaw et al. 1999; Bloomer et al. 2002; Taylor 2004; Natalier and Hewitt 2010, 2014; Natalier 2012; Casha 2014) which highlighted the importance fathers gave to direct spending of maintenance monies on children. They are also commensurate with findings that even payers may prefer monies to be used specifically on children (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Dudova 2006, Hans and Coleman 2009), although the mistrust was shown in this study to be only to some degree. The accounts of dissenting payers may be interpreted as 'atrocious' stories (Bradshaw et al. 1999) intended to justify

reticence to pay. But an important novel finding was that in some accounts, misappropriation of monies was more strongly tied to fathers' perception of mothers' lack of caring abilities, with the latter being the primary concern for fathers who wanted to assume primary residential status if possible.

Fathers' reticence to pay on account of perceived misappropriation of monies can be interpreted through various theoretical lenses. As was argued in chapter 7 in regard to fathers implying that maintenance was not being used for children, the findings in this chapter also affirm the work of previous scholars who drew on the theories of Finch and Mason (Finch 1989, Finch and Mason 1993) and of Zelizer (1994, 1996) by interpreting dissent in terms of money not being earmarked for children, resulting in visibility of fathers' contributions (Bradshaw et al. 1999; Taylor 2004; Dudova 2006; Natalier and Hewitt 2010, 2014; Casha 2014) and generalised reciprocity (Bradshaw et al. 1999) being threatened. Dissenting payers react to these perceived losses by expressing preference for bypassing mothers in terms of direct maintenance under shared parenting arrangements or of saving money in bank accounts for children. These preferences, interpreted from the lens of Finch and Mason's (1993) theory, allow fathers to resolve their dilemma by bypassing mothers whilst safeguarding generalised reciprocity (Bradshaw et al. 1999). These losses can also be interpreted as fathers feeling underbenefited (Walster et al. 1978). But both symbolic losses and preferred solutions also affirm the male hegemonic power context discussed in various works (Burgoyne and Millar 1994; Dudova 2006; Natalier and Hewitt 2010, 2014; Moore 2012a, b; Natalier 2012; Casha 2014). They attest to possible controlling and manipulative power over an ex-partner as argued by Burgoyne and Millar (1994), and/or a reaction to the loss of masculine control over monies in the form of symbolic transfer of monies from partners' gift to partners' entitlement as highlighted by Natalier and Hewitt (2010).

In summary, this chapter has shown that there is a sharp divide between consenting and dissenting payers in relation to two major factors influencing their stances towards child maintenance. One is relational: their relationship with the mothers, underpinned by fathers' perception of mothers' support of their role (chiefly by giving them access to children and making appropriate use of maintenance monies). The other is individual: fathers' gender role ideology in terms of belief in financial provision versus belief in active parenting and direct maintenance of children. Consenting payers had generally

good relationships with mothers and tended to believe in the importance of financial provision; the reverse held true for dissenting payers. It may be argued that 'individual' belief is forged as a result of the perception of 'relational' experience: dissenting payers, for example, may construct atrocity stories to justify nonpayment, and develop views in favour of shared parenting, to bypass relational elements. But this is not always so, as the accounts of four 'outliers' to the groups (Karl, Christian, Ryan and Dan) tell us. Karl (consenting payer) is an outlier as he reported a good relationship with his ex-partner, but his beliefs in active parenting and opposition to transfer of monies influenced him to oppose a traditional arrangement in favour of shared parenting. Conversely Christian (consenting payer) is an outlier as he reported a bad relationship with the mother, but belief in financial provision oriented him towards transfer of maintenance monies. Ryan and Dan (dissenting payers) are outliers as they had good relationships with their ex-partners (in Dan's case, with his first ex-partner, with whom he had an equal shared parenting arrangement) but were opposed to transfer of maintenance monies. These cases therefore suggest that ideology around transfer of monies is not always a reaction to relational history, and that it may be the more powerful and ultimate determinant of fathers' decisions.

8.4. Conclusion

The findings attest to the microsystemic relational element of child maintenance monies in the stark differences between consenting and dissenting payers that emerged. In terms of co-parenting, consenting payers generally reported collaborative relationships involving: regular and flexible access arrangements; mutual respect for parental roles; and agreement on children's best interests. In terms of appraisal of gender roles, consenting payers tended to identify with the provider role and reported generally good perceptions of their exes as trustees of child maintenance monies and as carers of their children. These factors collectively conspired to influence consenting payers to be more accepting of the retention of the provider role via transfer of child maintenance payments to the mother than did dissenting payers, who contested the transfer of child maintenance monies and argued for direct maintenance of children in the form of equal shared care between parents. Dissenting payers de-emphasized the role of provision, instead accentuating the nurturing role of fatherhood. In terms of co-parenting, they reported on hostile or nonexistent relationships involving perceived

disrespect on mothers' end for their role as fathers and restrictions to access. They tended to be highly critical of mothers, with many pejorative remarks being made about their caring abilities, but also about how they used maintenance monies and how they accounted for child maintenance expenditure decisions. Many dissenting payers expressed feelings of bitterness and resentment at having no control over, or involvement in, expenditure decisions, and at undeserving others reportedly potentially benefitting from maintenance.

A distinction was made by some fathers, particularly dissenting payers, between the portion of maintenance designated as being directly for children's education and health and the general child maintenance sum. There seemed to be stronger acceptance regarding the health and education portion. Simultaneously however, this portion of the child maintenance was an area of contention with mothers, as under the Maltese system mothers had to provide expenditure receipts and these were often disputed by fathers, especially by dissenting payers. The next chapter discusses the study findings in the context of extant international literature and concludes the thesis.

CHAPTER 9: Concluding Discussion

The main objective of the thesis was to explore why separated/divorced fathers in Malta have differing attitudes and behaviours in regard to child maintenance compliance obligations. Lone parenthood in Malta has become increasingly normal (Abela 2016) and 49.7% of all households headed by lone parents are at risk of poverty or social exclusion (NSO 2021b). The introduction discussed positive effects of child maintenance on poverty reduction and on children's outcomes; and chapter 3 discussed data from Malta suggestive of challenges related to child maintenance compliance. This provided the justification for this qualitative study to explore the issue "from the inside out" (Mandell 1995, p.89) in the hope that study findings would guide more effective formulation of future policy.

The study consisted of 31 in-depth interviews with fathers who had child maintenance obligations. It compared and contrasted the views of two groups of fathers with differing attitudes and behaviours in relation to child maintenance, in line with Weaver (2009, 2015)'s recommendation to listen to the views of all policy targets. The issue was explored within four major theoretical frameworks used by scholars to account for fathers' stances in relation to child maintenance obligations. Framework analysis (Ritchie and Spencer 2011) was used to analyse fathers' accounts. The study was underpinned by a critical realist theoretical framework (Donati 2015, 2016) which was consonant with a flexible deductive approach that allowed for both existing themes to be re-explored and new data to emerge; and fitted with both extant and novel findings in highlighting the importance of interplay between agency, relationships, and social structures. It also allowed for a blend of all four research strategies – deductive, inductive, abductive, and retroductive. The latter research strategy blended well with the finding that gender role ideology is an underlying mechanism of child maintenance compliance at both a microsystemic and macrosystemic level.

Fathers constructed their stances by means of a summative evaluation of fairness in three broad areas: the justice system; financial contexts of households; and parenting issues. Chapter 6 answered the first research sub-question 'How is fathers' construction of non/compliance influenced by their understanding of the workings of the justice system, and the meaning they make of their experiences of it?' It emerged that

compliance was linked to positive appraisals of legal professionals, and to more willingness to compromise. Consenting payers tended to perceive mediators and lawyers as acting professionally and as supporting their stances, and were more willing to accept legal advice and to compromise. The reverse held true for dissenting payers. Their reticence to accept legal advice and to compromise was contextualized in what they saw as gendered assumptions at the heart of all levels of the justice system – particularly, the assignment of most physical custody to mothers – which resulted in their not being heard or believed, even when they felt they had strong evidence to support the case they were trying to make, whether in relation to access or maintenance.

Chapter 7 answered the second research sub-question ‘How is fathers’ construction of non/compliance influenced by their sense of financial fairness, and their perception of their financial circumstances vis-à-vis those of mothers?’ The analysis yielded a twofold answer: compliance is influenced via perceptions of affordability and views on financial egalitarianism across both groups. As opposed to consenting payers, however, dissenting payers tended to perceive their child maintenance obligations as unaffordable, contesting what they saw as high amounts and unfair criteria used to calculate the monthly sum of child maintenance in a context of greater legal expenditure, of having to rely on third parties to get by, or alternatively, of not having available financial support from third parties. Dissenting payers expressed stronger views on a lack of financial egalitarianism. The main drivers of dissent were that mothers reportedly: had better financial circumstances; did not contribute financially in split residency arrangements; did not pay half of health and education expenses, or misused maintenance monies, resulting in fathers incurring more costs than they should.

Chapter 8 answered the third research sub-question ‘How is fathers’ construction of non/compliance influenced by their views on fathering norms and their expectations around children’s care?’ Access to children was important to all fathers, and child maintenance was used as a guarantor for access by a minority of fathers across both groups. It emerged that the strongest influences on compliance were the quality of co-parenting relationships and fathering norms. Collaborative co-relationships involving regular and flexible access influenced compliance positively, as did a favourable attitude towards financial provision and a positive appraisal of how mothers executed their

mothering role. Conversely, poor co-parental relationships involving conflict over access arrangements were linked to contestation of child maintenance monies. Dissenting payers tended to favour equal shared care and renounced the transfer of child maintenance monies on this basis, and on the basis of perceived poor or nonexistent care for children on mothers' part, with some dissenting payers also litigating for most physical custody of children on this basis.

In sum, the two main themes responsible for fathers' contestation of child maintenance monies were their requests for *financial* and *parenting* egalitarianism. The next section discusses these themes. Because both themes are strongly interrelated to gender role ideology, the section after accords focus to how gender role ideology is contextualized within the workings of the justice system. The chapter then discusses how findings fit with theoretical frameworks. The chapter goes on to discuss policy implications arising from the study. Limitations of the study will be addressed and suggestions for future research made. Finally, the original contribution of the thesis will be highlighted before the chapter concludes with reflections on the most important ramifications of study findings in the context of gender inequality in Malta.

9.1. Fathers' Appraisal of Financial Contexts

Study findings confirm previous findings that child maintenance payment was perceived to contribute to financial loss even by better-off fathers (Natalier and Hewitt 2010, Natalier 2012), but affordability was a seemingly greater issue for dissenting payers. Participants were not asked about their income, so although a few organically mentioned it, it was not possible to compare income levels across groups. Both groups comprised a mix of fathers having lower- and higher- status jobs, although there was a higher frequency of fathers with higher-status jobs amongst dissenting payers. One can make sense of this seemingly odd finding in a number of ways. Firstly, wages in Malta tend to be lower than those in the EU. The average monthly basic salary of males in Malta for the fourth quarter of 2021 was estimated at €1,700 (NSO 2022). There is no corresponding Eurostat data. The average full-time adjusted salary per employee for Malta for 2021 stood at €27,334 as compared to the EU-27 average of €33,511 (Eurostat 2022). Secondly, job status does not necessarily equate to a commensurate salary. As outlined in chapter 7, dissenting payers holding a managerial role reported earning different amounts. Thirdly, financial struggles for fathers across both groups were

compounded by expenses in relation to housing, indicative of the challenges related to housing affordability reported in chapter 3 (The Malta Independent 2018a, b; Galea 2019), with home ownership and rent being more prevalent amongst the dissenting payers' group. Fourthly, a number of other factors, operating alone or in tandem, accounted for increased hardship amongst the dissenting payers' group: income difficulties or past unemployment; higher reported current or past child maintenance amounts; higher legal expenses which dissenting payers felt were necessary to fight their causes; and less available financial help from families of origin.

From an attitudinal point of view, findings are in tune with previous studies which reported on the link between affordability and payment (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Hans and Coleman 2009, Natalier and Hewitt 2010, Natalier 2012, Casha 2014). However, from a behavioural point of view, the findings of this study are unique in that the majority of the sample were currently reportedly paying, even in the face of affordability problems. This is likely due to help from third parties, especially family members, in the forms of both direct financial help and in-kind help such as housing; and self-sacrificial behaviour on fathers' part. Help given by families attests to the central role played by the extended family in Malta in terms of support to single parents (Galea 2009, Abela 2013) and by extension, to the familialistic culture in Malta. This study is the first to highlight how self-sacrificial behaviour (residing with family, careful budgeting, going without) was evident even amongst the less willing payers. However, fathers across both groups also generally expressed concern about enough income being left to meet other financial commitments and to lead a decent lifestyle. These findings could perhaps be accounted for in terms of competing tensions between the need for contemporary status-driven, leisurely lifestyles and (albeit waning) Catholic influence in the form of Church teachings on sacrifice (Abela and Fenech 2011, Abela 2016).

Fathers weighed up their maintenance obligations in the context of their own and their ex-partners' financial circumstances. Children's needs were largely unaddressed. Fathers across both groups (but more strongly so, the dissenting payers) queried the monthly child maintenance amounts in relation to the cost of raising children and reported paying a larger amount than necessary, and in some cases, linked this directly to their argument that their ex-partner was not forking out an equal amount of money. At law, this is an erroneous argument: as reported in chapter 4, the monthly sum is

based on the payer's means and the recipient's needs including the greater caring responsibilities of the recipient. Fathers' scepticism confirms arguments by Taylor (2004), Dudova (2006), and Natalier and Hewitt (2014) that fathers did not have realistic ideas of children's actual needs and the costs of raising them, and by Natalier and Hewitt (2014) that such discourse de-gendered care and served to contest child maintenance monies and their use by mothers.

The dissenting payers' group also took issue with which elements of their salary should be taken into account in the calculation of child maintenance. This resonates with the findings of Cook and Skinner (2021) who examined Australian separated fathers' suggestions for child maintenance policy reform. However, unique to the Maltese context, a lack of uniformity and consistency, including in regard to whether the sum was based on gross or net salary, was confirmed in Schembri (2017)'s analysis of judicial decisions, as reported in chapter 4.

Obligations were also contested on the grounds of financial inequality, although only dissenting payers linked reticence to pay formal child maintenance to earnings disparities. Previous literature also showed how fathers take stock of mothers being in a better financial situation (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Taylor 2004, Dudova 2006, Hans and Coleman 2009, Natalier and Hewitt 2010, Natalier 2012, Casha 2014). A number of dissenting payers also contested paying child maintenance when they had primary care of resident children in tune with two previous studies (Taylor 2004, Casha 2014).

A novel finding of this study related to fathers challenging system legitimacy by calculating costs in relation to caring for nonresident children vis-à-vis those of mothers and perceiving losses in this regard. Fathers (mostly dissenting payers) argued that they were paying more than due, or paying double, in relation to direct parenting costs and to health, education, and extracurricular activities expenses. Some reported incurring direct parenting costs to compensate for mothers' perceived shortcomings in relation to children's welfare, including in cases where mothers reportedly had mental health issues that impacted negatively on their basic parenting abilities.

According to Maltese law, health, education, and extracurricular expenses have to be shouldered equally by both parents. Fathers in this study argued that whereas they were obliged to pay mothers half of these expenses, the reverse never held true. Those

fathers who asked mothers to be paid for half of such expenses reported that mothers desisted from doing so. An important policy development in this regard is that in its electoral manifesto for the March 2022 election, the winning Labour Party promised fiscal incentives of up to €300 a year for children to take part in extracurricular activities (Partit Laburista 2022). However, it remains to be seen how this is to be allocated in the case families in which parents separated – if the sum is allocated to the primary residential parent, fathers' lamentations will remain and potentially increase, as is the case with child allowance, parts of which are allocated to fathers conditional on mothers' discretion.

Concerns around affordability and perceived overpayment were therefore factors influencing fathers' choices around their maintenance obligations. However, views on parenting played a more powerful part in shaping their choices.

9.2. Fathers' Views on Parenting

The study confirmed the power of a civil parental relationship in shaping favourable attitudes towards compliance. As discussed in chapter 8, findings closely correspond to those of previous studies which linked compliance to collaborative, child-centred co-parenting practices; and reticence to comply to poor co-parenting relationships marked by hostility. This study has amplified such findings by showing how child-centred parenting was generally practiced amongst consenting payers and their ex-partners in terms of housing, maintenance, and access arrangements, with adolescents reportedly allowed to play an active part in regard to access.

Previous studies had not explored differences in regard to attributions of relationship breakdown between more and less willing payers, although caution must be exercised in that attributions are retrospective accounts. The accounts of dissenting payers involved attributions to a blend of themes including: financial challenges; work-life interface challenges; mental health difficulties; and perceived enmeshment of the ex-partner with her family. In Casha (2014)'s study on fathers who reneged on their obligations to pay child maintenance, drivers of relationship breakdown reported by fathers also included perceived enmeshment of the ex-partner with her family and conflict over finances. These issues can be said to exacerbate fathers' normative feelings of loss of control over money in a patriarchal context. Perceived enmeshment

can be linked to two possible scenarios. One is that it may reflect dynamics of coercive control or violence in which perpetrators attempt to isolate victims from their supportive families. Coohy (2007) found that batterers may be more successful in disrupting friendship ties than family ties. The other is a cultural phenomenon of familial intrusion in couple dynamics. Deleterious effects on couples due to enmeshment with parents and allegiance to parents over partners were reported by NCFR (2017).

Although no generalizations can be drawn to the general population, the fact that the majority of the sample had conflict-ridden relationships with ex-partners raises serious possible implications for children's wellbeing, despite the fact that the majority of participants were reportedly paying maintenance. Firstly, as evident from the link between consent/dissent to pay and the quality of the relationship, child maintenance compliance may be adversely affected by conflict. In fact, dissenting payers reported past or present difficulties with compliance in relation to part or all of their child maintenance obligations. Secondly, conflict itself can exert a deleterious effect on children's wellbeing. Parental negative affectivity due to interparental conflict might have deleterious effects on parents' energy, which in turn results in inept parenting as discussed by van Dijk et al. (2020), who conducted a meta-analytic review on interparental conflict, parenting, and child adjustment in divorced families. They found direct positive associations of interparental conflict with children's internalizing and externalizing problems, as well as negative associations of interparental conflict with levels of social adjustment and self-esteem in children. They also found that lower levels of parental support, parental structuring, and parent-child relationship quality, as well as increased levels of parental hostility, intrusive parenting, and role diffusion processes (such as parentification and triangulation) mediated the link between interparental conflict and child adjustment.

This work is the first in the area of child maintenance studies to highlight the importance attributed by fathers to joint legal custody: fathers reported perceived disrespect for joint legal custody by social structures. Another important novel finding relating to fathers' active parenting needs is their views on access. All fathers in the study bar three had access to children, but the majority were dissatisfied with what is considered a typical level of access in Malta and expressed views in favour of equal shared care. These views can be viewed as a way to bypass access problems in certain cases, particularly where allegations of intimate partner violence or of serious harm to

children are involved. Alternatively, such views can be indicative of a cultural shift towards more emphasis on a father's nurturing role. Pointers towards this shift are the novel findings that consenting payers reported very flexible access arrangements, which in some cases went beyond the stipulated hours; and that both consenting and dissenting payers bargained for desired access levels, albeit dissenting payers were generally more reticent to do so. Additionally, even some consenting payers expressed the view that shared parenting was the ideal arrangement. Advocacy work on social media platforms on the part of non-governmental organizations such as fathers' rights group *Flimkien Missirijiet Inqumu* and *Happy Parenting Malta* which advocates against parental alienation could have contributed to this shift in a context of phenomenal consumption of social media (Statista 2021) in Malta.

The findings around access have implications for children's wellbeing. The use of maintenance monies as a guarantor is indicative of the reciprocal loop between access and maintenance as reported by Bradshaw et al. (1999) and Taylor (2004). Children can become pawns of the transactional nature of this relationship and their welfare can potentially be endangered as a result. Children's welfare can also potentially be endangered as a result of maladaptive gatekeeping and alienation, as opposed to justified parental estrangement in cases of potential danger to children's welfare. Although the concept of parental alienation is contested, there is a growing body of scientific literature cited in a review by Marques et al. (2020) attesting to links between children's exposure to parental alienation and a range of harmful outcomes.

Fathers' beliefs around, and perceptions of, gender role performances of both parents played the most powerful part in shaping their attitudes towards maintenance obligations. Although breadwinning remains a key element of fatherhood in contemporary society (Dudova 2006, Petts et al. 2018), only the consenting payers tended to identify strongly with the provider role, resonating with previous studies (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Dudova 2006, Hans and Coleman 2009, Natalier 2012). Dissenting payers in this study did not consider financial provision a kernel part of their fathering role, giving greater salience to their active fathering aspirations, and arguing that children would be directly maintained by each parent. Although previous studies also reported on such fathering norms amongst fathers in their studies (Mandell 1995, Dudova 2006, Casha 2014), in this study it was the majority who espoused such norms. Contrast can also be drawn with previous

studies in which fathers generally endorsed child maintenance as an appropriate component of fathering (Burgoyne and Millar 1994, Mandell 1995, Bradshaw et al. 1999, Bloomer et al. 2002, Taylor 2004, Dudova 2006, Hans and Coleman 2009, Natalier and Hewitt 2010). The four outlier cases discussed in chapter 8 showed that fathers' gender role beliefs proved a powerful determinant of their choices: belief in the provider role influenced a father to comply regardless of his relationship with the mother; and belief in an active fathering role and opposition to the transfer of child maintenance monies was shown to influence fathers in favour of equal shared parenting despite fathers appraising mothers positively.

Nevertheless, degrees of trust in mothers' trusteeship of child maintenance monies were also strongly important. This lends support to Zelizer (1994, 1996)'s theoretical work on 'earmarking techniques' used to differentiate between different categories of monetary payments; and to the works of Bradshaw et al. (1999), Taylor (2004), Dudova (2006), Natalier and Hewitt (2010, 2014) and Casha (2014) who discussed how child maintenance monies relate to the purpose of rendering the father visible to the child. A minority of consenting payers expressed scepticism as to whether all money was going to the children. This is in tune with the works of Burgoyne and Millar (1994), Bradshaw et al. (1999), Taylor (2004), Dudova (2006), Hans and Coleman (2009), and Natalier and Hewitt (2010, 2014) which showed that even payers explicitly or implicitly expressed expectations of child-centred spending in relation to maintenance monies. However, the mistrust expressed was relative and contextualized in an overall positive appraisal of mothers' caring abilities. The findings of the study are consonant with Bradshaw et al. (1999)'s discussion of how dissenting payers constructed 'atrocious stories' portraying mothers as inadequate carers and untrustworthy custodians of child maintenance monies, hence also destroying or limiting the visibility of fathers' love for children and justifying fathers' stances against transfer of child maintenance monies.

But there may be other realities existing alongside 'atrocious stories'. Taylor (2004) had noted that some fathers may have evidence to substantiate claims that mothers are misusing money. In this study fathers discussed having evidence which some offered to show to the author. Additionally previous studies have tended not to give primacy to fathers' concerns around mothers' caring abilities. This study is the first to show that for a minority of dissenting payers who were fighting for primary residential status, concerns over misuse of monies were secondary to concerns on mothers' adequate

caring abilities. These fathers severely critiqued mothers' parenting which took the form of harsh parenting and disengagement from children's needs including in terms of not cooking adequate meals for children, not providing them with structure, and not supervising their education. There may therefore be a danger to interpreting findings exclusively in terms of 'atrocious stories'. Although it was not the remit of the study to ascertain the veracity of fathers' claims, serious potential repercussions for children's welfare could ensue in the event that these claims are founded. Maternal mental health was found to be an important determinant of outcomes in adolescence (Coles and Cage 2022) and of future adult distress (Kamis 2021).

9.3. Gender Role Ideologies as an Underlying Mechanism of Child Maintenance Obligation Dilemmas in Malta

The use of a retroductive research strategy points to the social construction of gender as an underlying mechanism of child maintenance obligation dilemmas. This section will discuss findings in the context of how gender is 'done' at the microsystemic level, at the macrosystemic level in Malta, and the recursive level between them, in keeping with West and Zimmerman (1987)'s arguments on the social construction of gender.

9.3.1. Loss of control and power in a context of male hegemony

The thesis findings have confirmed the complex and nuanced nature of compliance. Child maintenance compliance is a multi-faceted construct which can be operationalized in a number of different ways (Smyth et al. 2014) as was evident in the study in the different types of noncompliance reported. Only two fathers reported not being currently compliant with existing child maintenance obligations in terms of not having any formal arrangements in place in regard to their last past relationship involving children. There were, however, self-reports of late payments as well as of past noncompliance and disputes related to alleged nonpayment amongst dissenting payers. The division into two groups was not a paragon of elegance as it yielded several grey areas in relation to the two different types of child maintenance in Malta. Amongst consenting payers, who generally espoused paying for both types of child maintenance, some still expressed preference for paying half of health and education expenses but no monthly sum, on the basis of preference for an equal shared parenting arrangement,

which is consonant with findings that even some willing payers desired payment against child-specific costs (Burgoyne and Millar 1994, Bradshaw et al. 1999, Taylor 2004, Hans and Coleman 2009). Amongst dissenting payers, who generally espoused paying only for half the health and education costs, there were fathers who reported agreement with what was perceived as a fair monthly sum of child maintenance money, but expressed dissent in regard to half the health and education expenses, due to reportedly not having been consulted on such expenses.

From a feminist lens, male hegemony is implicated in fathers' contestation of both types of child maintenance monies. An important paradox emanated from the findings related to health and education expenses. In principle none of the fathers, including the dissenting payers, objected to paying half of health and education expenses. This could perhaps be linked to social desirability: how would fathers who report opposition to paying for children's health and education expenses be perceived? It could also be linked to a preference for control and power over budgeting as receipts produced by mothers relating to such expenses could yield evidence that the money was going towards children's needs. Concomitantly, however, some dissenting payers reported conflict over such expenses. This is because power over budgeting was threatened when fathers were reportedly not consulted; and/or mothers reportedly claimed false expenses or overspent. A similar interpretation could be made in relation to fathers' wish to be consulted regarding decisions on children's welfare, although not always: for example, some of the services mothers enrolled children in (reportedly without fathers' consent) are free of charge, and there were instances in which fathers reported preferring the more expensive schools their children were unenrolled from.

Reluctance to transfer monthly sums to mothers also attests to patriarchal power in the form of fathers' preference to at least partially control money usage, which is threatened following separation given that control shifts to mothers as highlighted by Natalier and Hewitt (2010). Equal shared parenting would incur more direct parenting costs for fathers, which none of the fathers reflected on. But it functions to strengthen visibility and generalised reciprocity as it bypasses the relinquishing of control to mothers. From a feminist perspective, it can be positioned to eliminate (at least some) child maintenance money obligations, thus challenging the notion of financial imbalance between households and the redistributive need for child maintenance monies (Cook and Skinner 2019).

Although fathers clamoured for equality in both financial and parenting spheres, only two fathers expressed views on structural inequalities in the labour market, and one discounted the existence of the gender pay gap. In calculating net losses vis-à-vis mothers, fathers did not consider differences in earnings except when reportedly disadvantaged, which from a feminist lens is indicative of male hegemonic power. The majority of mothers in this study were employed of which nine held managerial or professional roles. Even so, fathers could have argued that in cases of shared parenting, some monthly money should still be transferred in cases of significant pay disparity between parties. Only two dissenting payers had reportedly unsuccessfully offered a lower sum of child maintenance monies on condition of having equal shared care arrangements. Ironically, perhaps, they were cases in which the fathers claimed that the mothers were higher earners. Their maintenance offers were therefore not likely to have functioned as compensation in their cases, but more likely as a guarantor of desired level of access or as a token of fathers' caring attributes.

Cook and Skinner (2019, 2021) argued how Australian separated fathers' suggestions for child maintenance policy reform served to entrench existing gender inequality. In their 2021 paper, they analysed fathers' arguments in the light of Eekelaar (1991)'s identification of three social justifications for states to compel separated parents to contribute to their children: maintaining, reinforcing, and redressing. Cook and Skinner (2021) showed how fathers challenged *maintaining* children's right to share in their parents' standard of living by argumentation in relation to how the income on which child maintenance is based should be limited (for example, excluding 'extra' income or basing the formula on net rather than gross salary). By arguing that their own needs were compromised, fathers challenged *reinforcing* contributions towards children's costs that are met by mothers or the benefit system. Fathers challenged *redressing* financial imbalance by questioning mothers' control over money or by arguing that contributions should be equal. Likewise, the contestations in this study can be said to entrench existing gender inequalities by challenging the child maintenance system in Malta which can be said to operate along the lines of Eekelaar (1991)'s social justifications to compel separated parents to contribute monies towards children's upbringing. In so doing, however, the justice system has unintentionally exacerbated competing gender inequalities, especially in a context of gender reshifting, as discussed next.

9.3.2. The role of the justice system in Malta

Chapter 6 highlighted strong support for social negotiation theory by showing the effects of the perceived role of legal third parties in Malta. It is useful to examine how the Maltese family law system addresses issues relating to gender equality in regard to both child maintenance and access and how this may affect fathers' feelings of fairness and their behaviour.

The monthly child maintenance award is decided on the basis of judicial discretion, with the judiciary taking into account the whole context, including the means of both parents and the greater caring responsibilities of the recipient, typically the mother. One can therefore say that there is an implicit modelling on traditional gender role ideology and that child maintenance partly has a latent function of mitigating disadvantages due to the gender pay gap. However, gendered assumptions are also implicated in dissenting payers' objections to payment on the grounds that their ex-partner was reportedly wealthier or the higher earner; and that they were not paid child maintenance in cases where they were caring for resident children including in split residency arrangements: in such cases one could argue that fathers were legally owed a monthly sum of money (albeit taking all circumstances into consideration as is meant to happen with traditional arrangements). Of note however that in most of these cases, formal arrangements had yet to be made, or circumstances had changed and the fathers had not reverted to the justice system to attempt to change arrangements.

Health and education maintenance expenses tended to be viewed by fathers as more legitimate than the monthly sum: perhaps partly due to the nomenclature itself, and partly due to it being more closely aligned to male hegemonic practices on account of it being based on an egalitarian model and tied to proof of payment. Splitting such costs can be said to make sense in scenarios where both parents work and in a context in which the Maltese tend to be disillusioned with State service provision, leading to their preferring Church/private schools and private health practitioners (Mullard and Pirotta 2008). It would not make sense, for example, for one parent to foot the school annual fee, or for a medical bill to be footed by the parent with children in residence when the medical difficulty arises. A long-term policy measure could be to raise the standards of public education and primary health services and reduce demand for private education and health services. Given the increasing importance to social status and affluence in

Maltese culture, however, it is unlikely to have a strong impact. In not taking account of differences between earnings, the health and education part of child maintenance monies can be said to exacerbate inequality. Fathers' accounts, however, suggest that in practice, health and education expenses are not really based along egalitarian lines: there seems to be an implicit understanding that only the monthly sum payer (typically the father) pays the monthly sum payee (typically the mother) half of health and education expenses, not the other way round. Health and education expenses, therefore, could also latently function in part as an alleviation of the traditional gender pay gap. In sum, the system largely seems to run on gendered assumptions intended to protect the lower earner, typically the mother, clashing with fathers' calls for financial equality.

From a social justice and feminist lens, the operation of both types of child maintenance monies can be said to be justified in view of: mothers being more likely to be awarded main-carer status; the gender pay gap in Malta (Eurostat 2021e); lone-parent headed households in Malta being at greatest risk of poverty and social exclusion (NSO 2021b); and Malta having the highest rate of in-work poverty amongst lone parents in Europe (Nieuwenhuis 2020). But as Cook and Skinner (2021, p. 504) state: "Intentionally or not, this contemporaneously justifies the status quo of gendered post-separation parenting". In practice, this does not necessarily translate into perceived fairness on mothers' end. The workings of the justice system were critiqued as unfair by six separated mothers in Malta (Casha 2014). They recounted stories of severe financial hardships and reported challenges related to receipt of child maintenance monies due to system inefficiencies both in regard to calculation and enforcement of child maintenance, including legal loopholes which allowed fathers to cheat the system. These included lack of proof of what fathers earned, corroborated in the study by Schembri (2017) whose findings showed that that out of 48 cases, proof of what payers earned was only given in 17 cases. Thus, although comparatively little is known about mothers' views, there are indications that the system is appraised negatively by parents of both genders.

There is no clear solution to ameliorate policy in regard to the two types of child maintenance. The monthly sum of child maintenance was contested by fathers on the basis of affordability, particularly by dissenting payers who had experienced court-discretionary judgements in this regard. It was also contested by fathers who invoked

arguments that their ex-partner was more well-off, and/or that the costs they incurred in taking care of non/resident children were not taken into account. This is in keeping with other findings on court-discretionary systems being problematic, as is the case in Ireland (Taylor 2004, Moore 2012a). Health and educational expenses are, in principle, clear and egalitarian. In practice, however, they provide a further platform for argumentation between parties (who may already have strained co-parenting) over parental assessment of children's health and education needs and the genuineness of claims in this regard. This resonates with arguments that clear and transparent workings of child maintenance are not a panacea for fathers' grievances (Skinner 2013; Cook and Skinner 2019, 2021). Study findings suggest that incorporating health and education expenses as part of the monthly child maintenance sum would not be a one-size-fits-all solution given that some fathers perceived the all-inclusive monthly sum as unfair, and/or were generally opposed to the direct transfer of maintenance monies to mothers.

Fathers' beliefs on care arrangements also clash with gendered assumptions within the Maltese justice system. Bradshaw et al. (1999) and later Taylor (2004) argued that, in a sense, ironically, fathers were punished by the workings of the justice systems for their active parenting wishes, which they were expected to renounce in cases of disagreement with ex-partners whilst complying with child maintenance payments. In this study this difficulty is further exacerbated in that most fathers wanted to split parenting time with mothers, and others still believed they had the case for better carer and hence for being primary residential parent.

Fathers' perceptions of bias in favour of mothers in regard to care arrangements can be said to be corroborated by works of family law scholars. As reported in chapter 4, Sammut (2018) reported that for the periods 2009-2013 and 2014-2018, sole custody was awarded to mothers in 63% and 61% of cases respectively and to fathers in 16% of cases for both periods, whereas joint custody was awarded in 19% of cases for both periods. Even in cases of joint custody, primary residential status was mostly assigned to mothers, although caution must be exercised in that, in the majority of sole custody awarded to mothers, the decision had been agreed between parents (Sammut 2018). Thus, fathers themselves may prefer traditional care arrangements, as evidenced in this study which showed that the majority of consenting payers were satisfied with traditional arrangements to varying degrees. However, in regard to Sammut (2018)'s

findings, it is not known to what degree fathers were influenced by legal professionals to accept traditional arrangements. Some fathers in this study were reticent to do so but reported that legal professionals tried or managed to influence/coerce them to compromise along the lines of gendered assumptions.

Chapter 4 had also reported on statements made by family law scholar Thake that judgements are made by the judiciary along the lines of gendered assumptions (Berger 2020). Although it is possible that in some cases the judiciary have justified bases for judicial push-backs against shared parenting arrangements in Malta, it is also possible that decisions are taken due to judges' personal beliefs and unconscious biases as argued by Thake (Berger 2020), who reported on courts in Malta preventing the adoption of co-parenting arrangements. Of course, in some cases shared parenting arrangements are approved by the judiciary, as was clearly shown in two cases in this study. Thake had also outlined in his arguments that Maltese courts' decisions are based on beliefs around children's wellbeing such as that children must have a primary carer; or that sleepovers during the week are contrary to the best interests of the child (Berger 2020).

Such gendered assumptions relate to complaints made by (mostly dissenting) payers about mothers automatically being granted primary residential parent status. Taylor (2004) highlighted the "domino effect" of such assumptions which may possibly serve to deny fathers their wishes for more active parenting; coerce them into supporting the needs of the lone-mother household; and adversely affect their living conditions. There is room to hypothesize that fathers' grievances about a lack of egalitarianism in regard to family law will only increase in a context of increasing employment rates for women and the recent trend for female students to outnumber male students at every level in the education system in Malta (Bonnici 2019), both discussed in chapter 3. Using the social justice lens of Nussbaum (1999), Taylor (2004) argued that these workings of the justice system may threaten fathers' threshold levels of four capabilities, namely their bodily health and integrity; emotions; affiliation; and political and material control over their environment. As this study has shown, fathers reported on threatened capabilities: financial struggles, resorting to living with kin and/or borrowing money, barriers to active parenting, and loss of control over their circumstances. It can therefore be concluded that there are competing gender inequalities.

As stated in chapter 4, the reported beliefs of the Maltese judiciary on care arrangements run counter to current scientific evidence. Equal shared parenting has been shown by meta-analytic studies to be associated with better adjustment and outcomes for children (Bauserman 2002; Baude et al. 2016, 2019; Nielsen 2018, Steinbach 2019), although there are disagreements between authors as to whether these are due to parental self-selective effects (Steinbach 2019) or not (Nielsen 2018). Excepting for the work of Moore (2012a), who argued that greater father involvement in care could result in mothers rejoining the labour market and attaining an independent source of income, no attention has been paid by previous researchers to how maternal gateclosing and push-backs against shared parenting which do not have justified bases can also entrench gender inequalities and affect children's wellbeing. Promoting shared care could possibly further the cause of gender equality as well as improve the social wellbeing of mothers, as argued by Nieuwenhuis (2020) who urged policymakers to reconsider the gendered nature of lone parenthood and facilitate equal shared care arrangements. This could alleviate the challenges of the gender overall earnings gap in Malta standing at 39.4% (Eurostat 2021e). Shared care can potentially produce more progressive gender roles in children later in their adult lives, both via role-modelling and also due to better life outcomes. Thus, the gendered assumption of Maltese courts can also potentially entrench gender inequalities.

A novel finding emerged in terms of the functioning of the wider justice system, with dissenting payers reporting not being supported by the police force in regard to access arrangements and claims of abuse by mothers. Again, however, in another testimony to competing gender inequalities post-separation in Malta, separated mothers also reported negative experiences of the police force, perceiving police to participate in male hegemony (Casha 2014). Another novel finding related to (mostly dissenting) payers reporting that staff in the education and health/welfare systems disrespected joint legal custody by executing mothers' wishes without consulting fathers.

Findings showcase the merit of the critical realist perspective of Donati (2015, 2016) which highlights interplay between individual and social structures. The fact that both court-discretionary and formulaic methods of calculation are problematic can be accounted for in terms of two main reasons highlighted in the works of Skinner (2013) and Cook and Skinner (2021). Skinner (2013) emphasized the relational aspect of child maintenance, showing how it is strongly linked to the quality of the co-parenting

relationship, reciprocities, and the symbolic meanings given to child maintenance monies; whereas the later work of Cook and Skinner (2021) linked dissent to fathers' fundamental disagreement with child maintenance as a legitimate state instrument. The validity of both arguments has been shown in this study. Consent to pay was generally linked to good co-parenting relationships and endorsement of the provider role. Consenting payers also tended to appraise mothers' caregiving end of the traditional deal, including their trusteeship of child maintenance monies, positively. Thus, there was an overall 'goodness of fit' between their views and the workings of the justice system which lent itself to endorsement of child maintenance. Conversely, dissent to pay was generally linked to poor co-parenting relationships and opposition to the transfer of child maintenance monies to mothers on the grounds of egalitarianism and misappropriation of such monies on mothers' end. As argued by Cook and Skinner (2021), the justice system coerced fathers to continue providing whilst assigning mothers control over maintenance monies. Dissenting payers also perceived disrespect for their role amongst social structures more generally. As argued by Bradshaw et al. (1999), neither mothers nor social structures were adequate trustees of their relationship with their children. There was therefore an overall 'badness of fit' between their views and the workings of the justice system which they contested. The next section discusses the extent to which study findings can be embedded in each of the four existing theoretical frameworks discussed in chapter 2.

9.4. Fit Between Study Findings and Theoretical Frameworks

Chapters 6-8 have showed how the findings affirm the relevance of all four theoretical frameworks. This section will examine to what extent findings fit with theoretical frameworks, and which theoretical framework can be said to provide the 'best fit' with the findings from this study.

The theory of negotiated commitment (Finch 1989, Finch and Mason 1993) can be said to be validated in that the findings have shown how fathers consider 'the right thing to do' (Finch 1989) by considering important factors such as 'the timing for giving support' which chapter 7 showed to be an important consideration for decisions around child maintenance, particularly for dissenting payers who reported temporal struggles in relation to compliance due to factors such as lack of affordability, irregular income, and unemployment. As shown in chapter 8, fathers also considered 'who the target of the

support is', 'how well the parties get on' and 'the pattern of past exchanges involving the parties'. Children are the expected targets of the support, but as Bradshaw et al. (1999) argued, fathers develop commitments with mothers, not with children, as mothers are the trustees of maintenance monies. This was implicit in fathers' accounts of how mothers used monies, but at times also explicitly stated in fathers' assertion that they were (unwillingly) maintaining the mother, not the child.

These factors also relate to the principles of reciprocities (Bradshaw et. al 1999, Taylor 2004). In this study, the principle of balanced reciprocity seemed to apply much more strongly in the case of consenting payers who generally reported good co-parenting relationships marked by collaboration, mutual respect for both roles, and regular and flexible access to children. There was therefore a subjective sense of fairness: fathers felt respect for their role as fathers in return for complying with their financial obligations to their children. Consenting payers' operation from the principle of balanced reciprocity was also evident in that a minority of them used maintenance monies as a guarantor of access. Generalised reciprocity did not appear to be threatened for most consenting payers: only a minority of fathers expressed relative mistrust and scepticism in regard to whether money was going towards children's needs.

Conversely, amongst dissenting payers there seemed little support for the principle of balanced reciprocity. On paper, all bar three of them had access to their children. But all reported dissatisfaction with access arrangements given their belief in equal shared parenting and/or perceived maternal gatekeeping. The desired solution for the majority was not balanced reciprocity, but equal shared parenting with no transfer of child maintenance monies. For them, generalised reciprocity was threatened in view of perceived misuse of maintenance monies by mothers. A minority of them expressed views that monies should be transferred to children, and the majority argued for equal shared parenting involving sharing of health and education costs but no transfer of maintenance monies. Both could be interpreted as ways of bypassing mothers' custodianship of child maintenance monies (as well as problems with access), which as Bradshaw et al. (1999) had explained, would resolve their dilemma by allowing them to honour their obligations to their children whilst eliminating the mother's control over monies. In this study, none of the three dissenting payers lacking access operated from a guideline of generalised reciprocity which would have entailed paying all maintenance

monies. In sum, therefore, the theory of negotiated commitments found support from this study, but can be said to fall short in that there was no support for balanced reciprocity amongst consenting payers. It can also be critiqued for failing to explicate the role of fathering norms, and of the justice system in shaping gender role ideology, which this thesis has shown to be important.

This study can be said to lend strong support to theory on the symbolic meanings of money arising out of hegemonic masculinity. The reticence to transfer maintenance monies can be interpreted in a context of hegemonic masculinity (Burgoyne and Millar 1994; Dudova 2006; Natalier and Hewitt 2010, 2014; Moore 2012a, b; Natalier 2012; Casha 2014). Hostility towards ex-partners evident amongst dissenting payers lends itself to concordance with Burgoyne and Millar (1994)'s argument that dissent can serve to exert manipulative power over the mother. Findings also lend support to dissent being a reaction to fathers' loss of power over how monies are spent and consequential threat to masculine identity discussed by Natalier and Hewitt (2010, 2014) and Natalier (2012). But this theory is uni-dimensional and based on an *a posteriori* effect of hegemonic praxis, and fails to account for other factors influencing fathers' decisions on child maintenance obligations such as level of financial resources; fathering norms; and the role played by the justice system.

Findings also support equity theory (Walster et al. 1978). As compared to consenting payers, dissenting payers assessed themselves as having borne overall losses, and being underbenefited in their relationships with their ex-partners due to real or perceived inequities, in both financial and parenting spheres. Dissenting payers fought to restore equity by not paying child maintenance monies, and/or by fighting for shared care arrangements or for primary residential status in certain cases. Such fights exacerbated financial losses and, due to the justice system being perceived by dissenting payers to buttress gendered assumptions, further cemented their psychological losses. But some consenting payers complied despite financial or parenting losses: perhaps this could be explained in terms of 'exchange orientation', that is, the degree to which fathers were preoccupied with relationship equity (Murstein et al. 1977), or in terms of whether they were concerned with not overbenefiting versus with not underbenefiting (Sprecher 1998). Still, this theory fails to account for other factors. In particular, three factors could be said to moderate fathers' losses and influence compliance positively: a higher level of reported resources available, positive relationships with ex-partners, and

espousing the provider role. In terms of rules of fairness, it can be argued that the operation of proportionality/needs-based rules in relation to the monthly sum and the equality rule in relation to the health and education component of maintenance can be linked to cognitive dissonance. Dissonance in relation to the fathering role also exists due to the discrepancy between the gendered assumptions underlying the workings of the justice system and the equality social rule in relation to couple and parenting roles.

The best-fitting model for the Maltese context would arguably be social negotiation theory (Pruitt and Carnevale 1993) because of the broad array of factors it posits are influential in fathers' decisions. These include the four most important factors identified: financial resources, norms, relationships between negotiators, and third-party systems. Study findings point to more access to financial resources amongst consenting payers and support the assertion of social negotiation theory that fathers' commitment to pay child maintenance is likely stronger in a context of greater resources (Taylor 2004). Fathering norms were also crucial in shaping fathers' attitudes and behaviours: consenting payers tended to be oriented to the provider role, as opposed to dissenting payers who held more active fathering norms. Taylor (2004) had also found that fathers' commitment to pay child maintenance was likely stronger in a context of lower post-separation active parenting aspirations. The fit of these norms with gendered assumptions upheld by family law, and the extent to which legal professionals backed fathers' norms and narratives of relationships also influenced fathers' attitudes and decisions. Social negotiation theory also lists 'changes over time' as a factor, the effects of which were highlighted in a number of cases across the findings chapters, particularly in relation to changes in co-parenting relationships and decisions of the judiciary which altered fathers' attitudes towards child maintenance obligations.

There is also a strong fit of findings with the critical realist framework underpinning the study. Critical realism highlights the roles of *mechanisms* and *contexts* in shaping *outcomes* and incorporates objectivist and subjectivist approaches. This study has shown that compliance is shaped by mechanisms at the micro- and macro-systemic level which influence each other. Donati (2015) argued that relationships have their own qualities and powers, formed as a result of both objective (the bond itself) and subjective (the meaning assigned by the individual to the bond) aspects of being in relation, which interweave to create effects of reciprocity between the individual and

the relationship. It was seen in this study how the quality of the co-parenting relationship itself was a powerful influence on compliance, with dissent serving, as stated implicitly and at times explicitly, as a backlash against a hostile co-parenting relationship. However, as per Donati (2015, 2016), agency and social structure are not to be conflated. Fathers' agency was also influenced by the context of their parenting norms. This was evidently shown in the cases of the four outliers in which norms, and not the quality of the co-parenting relationship, proved the ultimate determinant of fathers' stances.

The justice system as a social structure also has its own causal powers. It was shown throughout this thesis that implicit gendered assumptions underpin the workings of family law. From a chronosystemic point of view, most pertinent civil code articles referred to in this thesis pre-date subsidiary legislation 12.20 which was written in 2003, when societal context was radically different. In line with the arguments of Donati (2016), it can be argued that the justice system has poor relational reflexivity, given that it has not, or is slow to, alter its own processes in the face of feedback from its users and receptivity to changes in societal norms.

Co-parenting interacted with the workings of the justice system. Co-parenting influenced fathers' separation pathways: hostile relationships made it more difficult to separate consensually, and in some cases led to court litigation which exacerbated fathers' loss of control, and potentially to conflation of micro- and macro-systemic issues. The context of fathers' parenting norms also interacted with the workings of the justice system. Thus, fathers who preferred newer fathering norms and renounced older ones showed their dissent to this system in the form of reticence to comply. Conversely, those who embraced the role of provider were more inclined to comply with their obligations and with the workings of the justice system in general. In this sense, critical realism allows for the identification of gender role theory as a causal mechanism at both micro- and macro-systemic levels.

Critical realist theory differentiates between actual and perceived reality, and this allows for multiple truths to co-exist. One facet of these multiple truths allows for the argument that fathers' perceptions could misrepresent the workings of the justice systems: for example, in their egalitarian views of the monthly sum of child maintenance, or in terms of possible conflation of micro- and macro-systemic as argued

by Mandell (1995) and Natalier (2012). However, another facet is that their perceptions of gendered assumptions operating in the justice system have been triangulated by legal professionals (Sammut 2018, Berger 2020), as were their perceptions of unjust features of the system such as length of time (Abela et al. 2013) and due process in relation to child advocacy work (Agius 2020b). Both scenarios, as well as arguments in relation to mechanisms and context earlier on, signpost policymakers towards policy interventions that address both societal context (chiefly in terms of egalitarianism) and mechanisms at the micro- and macro-systemic levels, such as programmes targeting couple relationships and reform of the legislation. These and other policy measures are discussed below.

9.5. Implications for Policy

There are three broad policy areas where measures could be implemented as a result of policy learnings from this study. The first is the area of economic policy. There will always be a number of post-separation cases involving traditional arrangements and transfer of monies, and so issues of affordability abound. Given the relatively low salary amounts in Malta reported earlier (Eurostat 2022), salary increases could be one way forward for policymakers to alleviate fathers' financial difficulties, although policymakers would have to evaluate whether this results in disproportionate increases in housing costs which would neutralize the positive effects of the salary increase.

Housing is another issue that has been shown to impact negatively on fathers' active parenting aspirations and on affordability. The Housing Authority in Malta runs a number of schemes (Housing Authority 2016). These include: equity sharing schemes in which the Housing Authority buys part of the property which the buyer can buy back at a later stage; mortgage loan and rent subsidy schemes; and loan of the 10% deposit at promise of sale of property. It is not known whether fathers knew of these schemes or whether eligibility criteria were barriers to their participation in such schemes. Policy developments occurred in the form of the launch of the Foundation for Affordable Housing which will offer social accommodation for low- and medium-income families (Balzan 2022) and an affordable housing scheme for those who do not qualify for social housing: such families would be offered apartments for rents at prices in the region of 400-500 Euros for two- or three-bedroomed apartments respectively (Agius 2020a). The waiting list for social housing was projected to fall from 3,288 in 2017 to around 800

people by the end of 2022 (The Malta Independent 2021). Still, this remains a high number and further policy work in relation to social housing is required for low-income earners including fathers who, as shown in this study, may be unable to even afford rent bills in the region of 500 Euros.

In terms of direct parenting costs, a possible policy measure that could help is to allow children of separated parents to be registered on both households for the purpose of subsidies on water and electricity bills in order to mitigate against disadvantages relating to economies of scale and concerns around egalitarianism. Nieuwenhuis (2020) argued that such measures are important to combat barriers to equal shared parenting.

There are a number of important implications for family law policy arising from this study. In relation to the calculation of the monthly sum, a possible measure is to introduce clear and publicly available guidelines specifying whether overtime and part-time earnings are included; whether the gross or net salary amount is taken into consideration; which commissions/allowances are included or excluded; how the cost of living increase is calculated; and in the event that it is tied to an increase in salary, whether Government cost-of-living allowances constitute grounds for an increase in salary. Although clear and transparent workings of child maintenance are not a panacea for fathers' grievances (Skinner 2013; Cook and Skinner 2019, 2021), and fathers can still contest the decided-upon guidelines, it could at least placate fathers' concerns regarding lack of transparency in this regard.

Policymaking in relation to separating parents in Malta progressed since the data for this thesis was collected. In 2021, the Maltese Government set up a technical committee to address the topic of parental alienation. The Committee was tasked with drawing up legislation and services for victims of parental alienation (Parliament of Malta 2021). The importance of training for legal professionals was mentioned in media coverage of the launch of the committee (Farrugia 2021). In March 2022, the Labour Party, in its electoral manifesto, made a number of pledges pertinent to this thesis' subject matter. Pledge no. 113 stated:

“We need to have legal reinforcement that recognizes the dangers of parental alienation so that children are not cut off from any parent. Legal safeguards are strengthened, so that where it is in the best interests of the children, both

parents spend the same amount of time with their children when they are not living in the same household” (Partit Laburista 2022).

This is testament to the political currency of this thesis and may be interpreted as a move towards equal shared parenting despite falling short of an explicit mention of presumptive joint parenting. Other electoral promises of relevance to this study (pledges 886 and 887) were the promises to help separating couples reach a point of mutual consent within a reasonable timeframe without having to incur hefty expenses; to enhance mediation services within the Family Court aiming to shorten the time span of the proceedings; and the revision of Family Court procedures to ensure effective and efficient justice in the best interest of children. Again, although nothing is known about the operationalization of these plans, these pledges acknowledge the relevance of fathers’ complaints in this study about the unacceptably long timeframes of judgements and the possible damage being done to children in this regard. But timeliness alone is not enough to produce good outcomes for parties including children, and Maltese policymakers have to reflect on more possible policy actions.

Given that fathers in this study lamented gendered assumptions throughout the justice system, and that there has been a policy move towards equal shared parenting, there is a need to synchronize the justice system with these developments. The attitudes of legal professionals affect parents’ attitudes and shape cultural norms (Braver and Lamb 2018). This thesis was not an evaluation of the justice system. Legal professionals were not interviewed, and it is not possible to represent their views on post-separation parenting arrangements or on their working practices. An important policy implication for Maltese policymakers concerns possible investment in an evaluation of the mediation and family law court systems. Continuous periodic briefing for legal professionals on changing demographics and social scientific evidence related to family law is another possible policy measure. In September 2022, *Positive Parenting Malta* under the patronage of the Ministry for Social Policy and Children’s Rights engaged the author to deliver briefings to the judiciary, mediators, child advocates, and professionals on contemporary evidence around custody arrangements.

Issues around child maintenance and access should preferably be resolved by the parties during mediation to the satisfaction of both. The uniqueness of each case calls for what Bradshaw et al. (1999) and Taylor (2004) had referred to as flexible

individualized justice. There is a lacuna in Malta in terms of training for lawyers and mediators on different models of mediation and lawyering (such as those discussed by Hyman 2010), and of different models of high-conflict dispute resolution approaches or programmes which have shown promising outcomes (such as that discussed by O'Hara Brewster et al. 2011). The need for alternative dispute resolution techniques to be used during mediation had been suggested by Abela et al. (2013) in their study involving Maltese adolescents from families in which parents had separated contentiously.

There is no current legislation in place which explicitly addresses the issue of how judicial decisions are taken in regard to transfer of child maintenance monies in shared care cases. In the two cases in the sample involving contracts featuring equal shared care, the judiciary was reportedly satisfied with parties only going as far as splitting health and education costs, ostensibly due to both parties being judged to be high/equal earners. In view of the electoral pledge in relation to shared care arrangements in Malta, policymakers should reflect on the various policy models relating to redistribution of monies between parties in shared care cases employed in different countries (see for example, Hakovirta et al. 2021). Transfer of monies between parties might not sit well with fathers, as evident from opinions expressed by fathers in this study and as has also been seen from the studies by Cook and Skinner (2019, 2021) in Australia. This is problematic from a feminist justice standpoint and in view of empirical research showing that 49.7% of all households headed by lone parents are at risk of poverty or social exclusion (NSO 2021b), and that Malta has the highest rate of in-work poverty amongst lone parents in Europe (Nieuwenhuis 2020). Nieuwenhuis (2020) also remarked that many studies reporting positive outcomes for children in shared care arrangements are situated in Nordic countries with a track record in egalitarian policies and practices. Thus, we do not know to what extent positive outcomes are shaped by already-existing egalitarian norms at both micro- and macro-system levels. It cannot be assumed that shared care arrangements without measures to safeguard low-income lone parents will result in better outcomes for Maltese children. There is a case to be made for operating both equality and equity rules of fairness in distributive justice, and for legal professionals to educate their clients in this regard.

The other major bone of contention that would have to be addressed by policymakers in Malta in relation to shared care surrounds the legal bases for rebuttal of shared care.

Although one does not expect electoral manifestos to lay out in full how proposals will be implemented, it is not clear what electoral pledge 113 means by the use of the terms 'legal safeguards' and 'best interests of the children.' Fathers asked for presumptive joint parenting care but did not reflect on how this would not be a *panacea* to conflict between parties. One issue concerns parents' concerns around the other party's inadequate or harmful parenting, which could also be raised by fathers, as was the case with some fathers in this study who were fighting for primary residential parent status. Concerns could also be raised around intimate partner violence, more typically mothers given the social phenomenon of gender-based violence. Interestingly, some fathers in this study mentioned abuse and mental health on parents' part as grounds for rebuttal of shared care, but none mentioned violence. Braver and Lamb (2018) stated that exceptions recognized as appropriate bases for rebuttal include risk of child neglect or abuse and coercive controlling violence. But these concerns may be downplayed or overlooked, in part due to strict adherence to the concept of assigning care to both parents or of enforcing equal shared parental responsibility, resulting in dangerous arrangements for children. Safety concerns for children were reported by the Australian Law Reform Commission (2019), and by Jóelsdóttir and Wyeth (2020) in relation to the Icelandic context. Additionally, grey areas exist. The study by Nielsen (2018) stated that positive outcomes for children of joint physical outcomes exist even after controlling for the quality of children's relationship with parents (P), income (I), and conflict (C); but that the importance of these three variables could not be discounted, and that children's wellbeing is forged as a result of complex interplay between all variables. She wrote: "PIC factors work in conjunction with the custody arrangement, interacting in ways that are not consistent or predictable" (Nielsen 2018, p.272). The study by Baude et al. (2019) concluded that interparental conflict, parental practices, and the parents' mental health generally play a more influential role in children's outcomes, and that by Steinbach (2019) concluded that shared parenting arrangements were dominated by parental self-selectivity effects comprising high education, high socioeconomic status, and a low conflict level. Another potential grey area highlighted in these studies relates to outcomes for pre-school age groups. Maltese policymakers therefore have to think critically about guidelines to give the judiciary in relation to both maintenance and access in shared care arrangements. It is crucial to have in place a team of helping professionals to help the judiciary draw judgement. There is also a need to re-examine

the role of the child advocacy service in the light of role conflicts faced by such a service as previously argued by CHRJ (2013) and by the judiciary (Agius 2020b) and of fathers' complaints about service proceedings in this study. Child advocates are still tasked with representing children's views and acting in their best interest, functions which may be incongruent with each other. Additionally, it is possible for the court to appoint child advocates but not expert helping professionals, resulting in the child's 'voice' not being contextualized in an understanding of family dynamics. The author is of the opinion that the role of the child advocate should be that of representing children and assessment of children's best interests in the context of family dynamics should be done by psychologists with specialist training in the area. There is also the need for clear and transparent guidelines governing confidentiality and sharing of child advocacy and court expert data.

The contribution of other social structures is also important. Fathers reported that their role was not respected by the police force. In 2020, a specialized domestic violence unit was set up within the ranks of the Malta Police Force (Attard 2020). Establishing clear, uniform procedure protocols in relation to reports on access difficulties and parents' reports on violence on children by the other parent could be other possible policy measures for the Malta Police Force. Fathers also reported that their role was not respected by other social structures such as educational and health systems even when they had joint legal custody. Joint legal custody has been shown to have benefits for children's outcomes (Bauserman 2002), stresses equality in parental responsibility and decision-making, and can be vital in emergencies (Nieuwenhuis 2020). Policymakers in Malta could think of protecting joint custody legally. This study did not examine the views of staff in the education and health systems on consulting fathers in decisions. Lack of knowledge could be one possibility. Feedback by professionals on the author's briefing sessions on contemporary evidence on custody, reported on earlier, included requests for training on how to support separated parents and on how to deal with issues of joint legal custody⁷. Perhaps another common and tricky difficulty faced by both police and staff in other systems is how to navigate the interface between gender mainstreaming and father inclusion on the one hand and an awareness on conflict and gender-based violence on the other. Training staff in education and health systems and

⁷ Of note is that the briefing did not cover the findings of this thesis at all. Participants gave consent for evaluation results to be produced in public documents in anonymized form.

providing them with support in regard to taking an inclusive approach and dealing with parental disagreement and possible violence could provide another possible policy response.

The final policy area to be tackled is exosystemic and focuses on work-life interface policies and educational preventive work in this regard. This thesis has highlighted the powerful impact of fathers' gender role ideology in relation to beliefs about provision and care. Research has shown that the renegotiation of family practices post-separation is heavily influenced by gender roles practiced during the marriage. Moore (2012a, b) found that parents who had joint conjugal roles were able to continue to adopt non-gendered ways of parenting and providing post-separation, whereas those who had strongly gendered division of labour continued to adopt such gendered practices post-separation. Whilst this study did not explore pre-separation gender role practices, it showed how the histories of dissenters' relationships were marred by difficulties including conflict over money and managing work-life interface stressors, setting the scene for a difficult negotiation of such issues post-separation. Moore (2012b) highlighted that families can be supported post-separation/divorce by pushing for gender equality at home and work. Hence, it is imperative for Maltese policymakers to take a multi-pronged, life-cycle approach to increasing gender parity via policies aiming to reduce the gender pay gap and to support fathers' participation in the private sphere. It is the author's view that whilst the Maltese State has policy measures in place to promote women's participation in public life, it has not made a similar effort to promote men's participation in the private sphere. Laudable measures to address women's issues include: strong commitment to tackle gender mainstreaming and gender-based violence; measures related to female employment including financial benefits and free childcare; and measures aimed at increasing women's power in the public sphere (Government of Malta 2019). However, there is no equally strong corresponding commitment to promoting men's involvement in family life. As of August 2022, paternity leave has been increased to ten days, and both parents are entitled to two months of paid parental leave at sickness rate with another two months of unpaid leave (Calleja 2022). Additionally, workers with children aged under 8 have the right to request flexible working arrangements for caring purposes (Calleja 2022). These measures have been met with criticism from 9 organisations in support of parental rights, workers' rights, and equality between men and women (The Malta Independent

2022). These organisations stated that the new laws only provide the bare minimum required by the EU. They critiqued inflexibility in regard to when paternity and parental leave can be taken and lack of clarity in regard to criteria determining which requests for flexible work are met. They also criticised the parental leave payment at sick pay, which discourages parents, especially fathers, from taking up this leave, and hence exacerbates existing gender inequalities. These shortcomings need to be addressed. There should be enforcement of publication of gender pay gap reports by public and private employers. Strengthening men's uptake of family-friendly measures at work and periodic evaluation of such measures is vital. Canaan et al. (2022) reported that paternity leave is linked to increased father involvement with possible ramifications including reduction in mothers' household burdens, increase in mothers' labour market participation, and positive spillover effects on fertility and couple stability. Also important is the need to explore and address the gender disparity in regard to educational outcomes reported in chapter 3.

Educating upcoming generations at secondary school level about egalitarian teamwork for couples in relation to division of labour and financial management cannot be emphasized enough. The current personal, career, and social development syllabus in Maltese schools (see Directorate for Learning and Assessment Programmes 2022) is heavily focused on individual personal development.

9.6. Limitations of the Study and Suggestions for Further Research

The major limitations of the study related to methodology. As reported in chapter 5, early fieldwork necessitated decisions to amend inclusion and exclusion eligibility criteria. The original exclusion criterion of involvement in criminal lawsuits was dropped. The inclusion criterion 'fathers who have separated/divorced within the past 18 months' was changed to 'fathers who have separated/divorced or who have physically separated within the last 10 years and have some kind of interim legal post-separation parenting arrangements'. Another limitation was that, as explained in detail in chapter 5, two fathers, George (past payer) and Gerard (who did not have formal arrangements as he was imminently due to sign a contract) did not fit the eligibility criteria although the author does not believe that data generated from their interviews coloured the findings differently.

Another limitation of the study links to the nature of the sample. As reported in chapter 5, fathers tended to be older (modal age bracket was 45-49, with 10 fathers fitting into this age bracket). All fathers were currently employed (bar one who was retired) although three fathers discussed experiences of past unemployment. It would be beneficial to explore the views of different groups of fathers such as the unemployed and younger fathers, including those who had casual relationships with their last ex-partners.

Lastly, this was a qualitative study, and the results cannot be generalized to the population level. There remains a dearth of quantitative research in Malta on lone fatherhood and a need for quantitative research including data in relation to custody arrangements and child maintenance obligations. The next section concludes the thesis by reflecting on contributions to knowledge made by the thesis and summarizing its policy implications.

9.7. Original Contributions of the Study

The study made a number of original contributions to knowledge. This is the first study held in Malta with sufficient information power in terms of participant number on fathers' perceptions and experiences of legal procedures and arrangements relating to their child maintenance obligations. It has responded to the research gap on maintenance obligations in Malta as a Southern European country, including the dual system of child maintenance obligations in Malta, in a novel way, by understanding non/compliance to such obligations through the lens of two distinct groups: consenting and dissenting payers.

The study also contributed by being the first to feature a comprehensive international literature review of both quantitative and qualitative literature on factors affecting compliance to child maintenance obligations, and explicating how these and study findings themselves align with four existing theoretical frameworks, highlighting the applicability and gaps of these theories.

In terms of empirical findings, the study also responded to the research gap relating to whether religious attitudes were influential in shaping fathers' stances around child maintenance, and found that they were not. This is likely best explained in terms of commitment to the Roman Catholic faith having dwindled drastically, including in

regard to obligatory Sunday mass which only 36.1% attend (Discern 2018). The influx of foreign nationals, the percentage of which stood at 16.8% in 2018 (NSO 2019), and high social media penetration in Malta (Statista 2021) could also have conspired to shape values that are more in line with an international secular outlook.

In a contemporary context, as Dudova (2006) and Petts et al. (2018) argued, traditional hegemonic masculine norms involving paternal authority and material provision co-exist with new fatherhood ideals involving fathers' physical presence and emotional closeness. This has been confirmed in this study, but fathers' call for financial and parenting egalitarianism indicated a preference for new fatherhood ideals and, in the case of the majority, the diminution or re-evaluation of the role of financial provision. These trends were most evident in consenting payers' regular and flexible access; in the majority's wish for equal shared parenting involving no transfer of maintenance monies, without reflections on the gender pay gap; and in some fathers' litigation to be assigned most physical custody. Furthermore, the study showed that the call for equal shared parenting was not always grounded in a context of hostile parenting or of rejection of the importance of provision. This challenges literature which has tended to portray dissent predominantly as a reaction to a lack of respect for fathers' roles in a context of hostile co-parenting. The newer, preferred ideals of fatherhood clash with the workings of the justice system, which have been shown to operate along traditional gendered assumptions. They indicate that it will be increasingly difficult for fathers to be asked to engage in active parenting – as per newer fathering norms – until separation, but then, to a greater or lesser extent, revert to traditional fathering norms post-separation. This thesis has therefore contributed to theory by highlighting the powerful effect of shifting norms and the justice system in influencing fathers' compliance, attesting to social negotiation theory as the most applicable. There is therefore a need for a new social contract involving, but not limited to, reform of the legal system. More broadly, this contract has to aim to target barriers to equality to champion newer gender and parental norms, and hence mitigate against post-separation negotiation conflict. This argument can also be applied on an international level. In its discussions on findings and in its suggestions, international literature has tended to focus on how best to fix the child maintenance systems in the respective country, rather than emphasizing investment in policy work targeting the deep structural gender inequalities at play.

Finally, the thesis also made a methodological contribution. As discussed in Chapter 5, fathers have been under-represented in family research due to biased assumptions about parenting roles (Cabrera et al. 2018) and/or a lack of researcher investment in recruitment strategies targeted specifically at fathers (Yaremych and Persky 2023). This research responded to these challenges by privileging the voice of fathers and by utilizing four different recruitment strategies which emphasized fathers' unique motivations to participate in research. Chapter 5 engaged in a detailed description of the sampling process, and of the need for nuanced and idiosyncratic eligibility criteria for the different recruitment pathways. These can serve useful to future researchers working in this field, whether in Malta or abroad.

9.8. Concluding Reflections

This was the first qualitative study on child maintenance obligations in Malta from a social science perspective which included sufficient information power. The thesis added to a body of universal findings across countries and made novel contributions to knowledge. The thesis highlighted an emergent theme of a call for financial and parenting egalitarianism. It argued that this is partly attributable to financial provision being secondary to active fathering aspirations for some fathers in a context involving an ascendancy of active fathering aspirations, and partly due to male hegemony involving blindness to gender disparities. Active fathering aspirations were evident in flexible access arrangements for consenting payers; in negotiations for access across both groups; in fathers' need to be consulted around decisions related to children; and in some fathers' wish for primary residential carer status. The call for egalitarianism means that no matter how hard policymakers may try to 'fix' the status-quo system, there will probably be increasing resistance to it amongst fathers in a context of increasing gender equality in Malta involving increased female participation in higher education, in employment, and in the public sphere.

A novel finding is that fathers perceive the justice system to shackle their active parenting aspirations at all levels. The thesis explored the workings of the Maltese justice and argued that it operates along gendered assumptions and entrenches competing gender tensions and inequalities. Thus, the justice system is ill-equipped to deal with the contemporary movement towards shared care. Previous works have emphasized the potential harm to children's wellbeing arising from nonpayment of child

maintenance monies. This thesis has contributed to the debate on children's wellbeing by presenting evidence on better outcomes for children in shared care arrangements and hence arguing that potential harm may also be caused in cases of unjustified bases for opposition to shared care. The judiciary previously operated in the face of evidence relating to the importance of income for the wellbeing of children in separated families. They are now faced with evidence in relation to the benefits of shared care as well as with a policy move towards shared care and must consider both bodies of knowledge. The thesis called for reform in the justice system including in regard to training of legal professionals.

The thesis has confirmed that family dynamics are more important than law. The quality of the parties' relationship (civil versus hostile) is a powerful predictor of satisfaction with parenting arrangements. A novel finding of the thesis is that dissenting payers' relationship histories were marred by difficulties including disagreement over work-life challenges and over money management. But fathers' opposition to transfer of child maintenance monies were not always linked to relationship quality and were sometimes based on egalitarianism, without argumentation in relation to gender pay disparities. Structural gender inequalities are at play in both scenarios. Thus, there are no easy, quick-fix solutions: as argued by Cook and Skinner (2019, 2021) administrative and technical fixes cannot remedy these complex social dilemmas. The thesis argues that in order to tackle male hegemony and patriarchy which contributes to these dilemmas, the State has to make a serious and concerted effort to address the root rather than the surface of these challenges by championing measures related to the gender pay gap, male participation in home life, and by investing in relationship education for upcoming generations. Maltese policymaking in the post-separation parenting arena is in a liminal state. A multi-pronged approach is the best hope of alleviating the Solomon's dilemmas of contentious post-separation parenting issues.

Appendix A: Documents Relating to Ethical Permission



DEPARTMENT OF
SOCIAL POLICY AND
SOCIAL WORK
Heslington, York YO10 5DD
Direct Telephone (01904) 321231
www.york.ac.uk/spsw
mark.wilberforce@york.ac.uk

10th June, 2019

Claire Casha
PhD Social Policy

Dear Claire,

Application to Social Policy and Social Work Ethics Committee

Project title: Child maintenance payment obligations in Malta: A qualitative study of fathers' perceptions and experiences

Reference: SPSW/P/2019/2

Thank you for submitting your application to the SPSW Ethics Committee for the above named research project.

Your application has been reviewed by the Committee and I am pleased to inform you that they have approved your application. Where relevant, any conditions attached to this approval are enclosed.

As your project progresses, please do let the Committee know via spsw-ethics@york.ac.uk if there are any material changes to the project that will require further ethical approval (for example, changes to your research methods).

Yours sincerely

A handwritten signature in black ink that reads 'Mark Wilberforce'.

Dr Mark Wilberforce
Chair, SPSW Ethics Committee



Claire Casha <cc1580@york.ac.uk>

Research Ethics Proposal – Minor Change

1 message

SWB FREC <research-ethics.fsw@um.edu.mt>

18 December 2019 at 11:18

To: Claire Casha <cc1580@york.ac.uk>

Cc: Christine Skinner <christine.skinner@york.ac.uk>

Unique ID Number: 2091 21.06.2019

Dear Ms Claire Casha,

Reference is made to your request for a minor change as per your email.

We are pleased to inform you that FREC's chairperson on behalf of FREC has acceded to your request. Hence, you **may now proceed**.

Regards,

Faculty Research Ethics Committee (FREC)
 Faculty for Social Wellbeing
 Room 115
 Humanities B Building (FEMA)
 University of Malta
 Msida MSD 2080

Tel: (+356) 2340 3192

Students' hours:

Monday-Friday

08:00-12:15 and 13:30-15:45 (1 October-15 June)

08:00-13:00 (16 June-30 September)

Website: um.edu.mt/socialwellbeing/students/researchethics

On Mon, 25 Nov 2019 at 11:37, Claire Casha <cc1580@york.ac.uk> wrote:

Dear SWB FREC committee,

I wish to notify you that I have made some minor alterations which have been accepted by the University of York ethics committee. I am hereby submitting a zipped folder with all relevant documentation.

Kind Regards,

Claire

On Tue, 16 Jul 2019 at 10:48, SWB FREC <research-ethics.fsw@um.edu.mt> wrote:

Unique ID Number: 2091:21.06.2019

Dear Ms Claire Casha

Following FREC's meeting held on 12th July 2019 your ethics proposal with regards to your research entitled *Child maintenance obligations in Malta: A qualitative study of fathers' perceptions and experiences* was accepted.

FRECs are now authorised to review and approve research ethics applications on behalf of the University, except in the case of sensitive personal data. In this regard, your ethics proposal **does not need to be sent to UREC**.

Hence, you may now **start your research**.

Appendix B1: Brief Information Sheet for Participants

(Face-to-face groups)

Project title: A research study of separated fathers' experiences in Malta.

Are you a separated or divorced father? Would you like to give voice to your experience as a separated or divorced father?

I am a Ph.D. student with the Social Policy and Social Work Department (SPSW) at the University of York conducting research on the experiences of separated/divorced fathers in Malta and what they think and feel about their parental obligations to their children following separation. This research project aims to find out more about those experiences by speaking directly to fathers. If you are interested in taking part and:

- have legally separated or divorced in the last 10 years (either by personal deed or court judgement)
- have a legal obligation to pay child maintenance (whether you are currently paying or not)

then I would really like to speak to you to understand more about your views on your obligations as a separated/divorced father.

Ethical approval for this Ph.D. research project has been granted by University Research Ethics Committees of the University of York and the University of Malta where I am an assistant lecturer. Participation involves a one-hour interview at a time of your choice. During the interview, which will take around an hour, I will ask you about your current life circumstances, your child maintenance arrangements, your challenges, your support systems, your relationships with other family members, your experiences of the court system and your views on how policy might be improved to help you and other separated/divorced fathers. Participants will be given a One4All voucher valued at 15 Euros as a small thank-you gesture. Full details about this project including participants' rights and data protection will be given to those who show interest in participating.

Participation in this research will give you the opportunity to voice your experiences of, and views on, child maintenance. Fathers' perspectives on child maintenance are immensely important in helping us understand this social policy issue better as well as in developing social policy to better meet the needs of Maltese families.

If you are interested in participating, you may contact me on 9926 1373 by means of a telephone call or a text/WhatsApp message, in which case I will contact you back.

I thank you in advance and send you my best wishes!

Ms Claire Casha B.Psy. (Hons), M. Family St. (Melit.)
SPSW Ph.D. student, University of York

Appendix B2: Brief Information Sheet for Participants

(Online posts)

Project title: A research study of separated fathers' experiences in Malta.

Are you a separated or divorced father? Would you like to give voice to your experience as a separated or divorced father?

I am a Ph.D. student with the Social Policy and Social Work Department (SPSW) at the University of York conducting research on the experiences of separated/divorced fathers in Malta and what they think and feel about their parental obligations to their children following separation. This research project aims to find out more about those experiences by speaking directly to fathers. If you are interested in taking part and:

- have legally separated or divorced in the last 10 years (either by personal deed or court judgement)
- have a legal obligation to pay child maintenance (whether you are currently paying or not)

then I would really like to speak to you to understand more about your views on your obligations as a separated/divorced father.

Ethical approval for this Ph.D. research project has been granted by University Research Ethics Committees of the University of York and the University of Malta where I am an assistant lecturer. Participation involves a one-hour interview at a time of your choice. During the interview, which will take around an hour, I will ask you about your current life circumstances, your child maintenance arrangements, your challenges, your support systems, your relationships with other family members, your experiences of the court system and your views on how policy might be improved to help you and other separated/divorced fathers. Participants will be given a One4All voucher valued at 15 Euros as a small thank-you gesture. Full details about this project including participants' rights and data protection will be given to those who show interest in participating.

Participation in this research will give you the opportunity to voice your experiences of, and views on, child maintenance. Fathers' perspectives on child maintenance are immensely important in helping us understand this social policy issue better as well as in developing social policy to better meet the needs of Maltese families.

If you are interested in participating, please do not comment on this post in order to protect your anonymity. Instead, please send me a personal message or an email at claire.casha@um.edu.mt

I thank you in advance and send you my best wishes!

Ms Claire Casha B.Psy. (Hons), M. Family St. (Melit.)
SPSW Ph.D. student, University of York

Appendix C: Briefing Sheet for Advocates

Project title: Child maintenance payment obligations in Malta: A qualitative study of fathers' perceptions and experiences.

Thank you for your interest in my research project. This research is being undertaken by Claire Casha, PhD candidate in the Department of Social Policy and Social Work, University of York. This study has been approved by the Ethics Committees of the Universities of York and Malta. Further detail about this research project is provided in the information sheet which I kindly ask you to disseminate to all **fathers** who:

- have **separated or divorced within the past 5 years**, whether by means of a personal deed or by means of a court judgement;
- have **dependent children aged up to 23 who are not living with them**;
- are **legally obliged to pay child maintenance**, whether they are currently doing so or not;
- have **NOT paid a lump sum of child maintenance**

Appendix D: Information Sheet for Participants

Project title: A research study of separated fathers' experiences in Malta.

Kindly read this information sheet carefully before deciding whether or not to participate. Your choice to participate or not will not in any way affect the service you will be given by your notary/lawyer/group leader or the outcome of any court cases you are involved in.

What is the aim of this research and who is eligible to participate?

We know very little about the experiences of separated fathers in Malta and what they think and feel about their parental obligations to their children following separation. This research project aims to find out more about those experiences by speaking directly to fathers. Fathers' perspectives are immensely important in helping us understand the issues they face especially around providing financial support and will help us develop better policy to meet the needs of Maltese families.

If you are interested in taking part and:

- have legally separated or divorced in the last 10 years (either by personal deed or court judgement)
- have a legal obligation to pay child maintenance (whether you are currently paying or not)

then I would really like to speak to you to understand more about your views on your obligations as a separated father. Whatever you choose to tell me will be of great help in understanding more about the challenges you and other separated fathers might face.

Who is conducting and sponsoring this research?

I, Claire Casha, am a Ph.D. student at the Department of Social Policy and Social Work (SPSW) at the University of York, England conducting this research under the supervision of Professor Christine Skinner from the same Department. This research is being jointly funded by Endeavour Malta (Group B) and by the University of Malta, where I work as an assistant lecturer with the Department of Family Studies, Faculty for Social Wellbeing.

Has ethical approval of the research been obtained?

Ethical approval for this research project has been granted by the University Research Ethics Committees of both the University of York, England, and the University of Malta.

What does participation in the research entail?

I will be conducting face-to-face interviews with you at a time and location that is convenient to you. During the interview, I will be asking you about your current circumstances, your child maintenance arrangements, your challenges, your support networks, your relationships with family members, your experience of the court system and your views on how policy might be improved to help you and other separated fathers. Each interview will last around an hour. With your permission, the interview will be digitally-recorded and later transcribed. You may take part without being recorded if you so wish.

What are the rights of research participants?

The University is committed to the principle of data protection by design and default and will collect the minimum amount of data necessary for the project. Participants' personal information including contact details will be kept strictly confidential. However, should you disclose anything that may indicate that you or someone else might be at risk of harm, I may have to contact relevant authorities, but I would talk it through with you first.

Participants have the right to refuse to answer any of the questions as well as to stop the interview and withdraw at that point. Withdrawal from the study without giving a reason for this decision can also take place for up to three months following the interview, in which case data will be destroyed and not analysed. After this period, it will therefore not be possible to remove data.

On what basis will you process my data?

Under the General Data Protection Regulation (GDPR), the University has to identify a legal basis for processing personal data and, where appropriate, an additional condition for processing special category data. In line with our charter which states that we advance learning and knowledge by teaching and research, the University processes personal data for research purposes under Article 6 (1) (e) of the GDPR:

“Processing is necessary for the performance of a task carried out in the public interest”. Special category data is processed under Article 9 (2) (j): *“Processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes”*.

Research will only be undertaken where ethical approval has been obtained, where there is a clear public interest and where appropriate safeguards have been put in place to protect data.

In line with ethical expectations and in order to comply with common law duty of confidentiality, we will seek your consent to participate. This consent will not, however, be our legal basis for processing your data under the GDPR.

How will you keep my data secure and for how long will it be kept?

The University will put in place appropriate technical and organisational measures to protect your personal data and/or special category data. For the purposes of this project, a data key will be used, and digital recordings, soft copies of the transcripts, notes, and meta-data will all be stored separately in a password-protected area on the University of York server. The University’s cloud storage solution is provided by Google which means that data can be located at any of Google’s globally spread data centres. The University has data protection compliant arrangements in place with this provider. For further information see <https://www.york.ac.uk/it-services/google/policy/privacy/>

Interview data will be stripped of identifying information including real names. Pseudonyms will be used in any written work on the research project or in material presented during conferences and policy workshops in order to protect participants’ identities. Participants will be asked to give permission for parts of their answers to be cited anonymously.

Recordings, any notes taken, and demographic information identifying participants will all be destroyed after the research project has been completed which is expected to be around September 2022. Processed and anonymized data will be archived at secure servers at the University of York. Anonymised data may be reused by the research team or other third parties for secondary research purposes.

What rights do I have in relation to my data?

Under the GDPR, you have a general right of access to your data, a right to rectification, erasure, restriction, objection or portability. You also have a right to withdrawal. Please note, not all rights apply where data is processed purely for research purposes. For further information see <https://www.york.ac.uk/records-management/generaldataprotectionregulation/individualsright>

What are the potential benefits and harms of taking part in the research?

It is envisaged that participants will not be harmed as a result of participating in the research. Should you feel distressed at any point you may want to halt the interview temporarily or withdraw completely. Participation in this research will give you the opportunity to voice your experiences of, and views on, child maintenance. Fathers’ perspectives on child maintenance are immensely important in helping us understand this social policy issue better as well as in developing social policy to better meet the needs of Maltese families.

At the end of the interview, all participants will be provided with a list of sources of help which they may contact should they need any support. Research participants will be remunerated for transport costs should they choose to have the interview at my office and will also be given a One4All voucher valued at 15 Euros as a small thank-you gesture.

How can I take part in this research?

If you are interested in taking part this research project, please text or call me (Claire Casha) on my Maltese mobile telephone number **9926 1373**. I will be able to answer any questions you have about taking part in the study.

Who can I contact if I have a concern about the project?

Please contact Ms Casha’s Ph.D. supervisor Professor Christine Skinner at the University of York, UK on (+44) (0) 1904 32 1251 or at the following email address: christine.skinner@york.ac.uk. Formal complaints about the project should be directed to Dr. Mark Wilberforce, Chair of SPSW Ethics Committee at the University of York, UK on (+44) (0) 1904 32 1297 or at the following email address: spsw-ethics@york.ac.uk. If you are still dissatisfied, please contact the University’s Acting Data Protection Officer at dataprotection@york.ac.uk.

If you are unhappy with the way in which the University has handled your personal data, you have a right to complain to the Information Commissioner's Office. For information on reporting a concern to the Information Commissioner's Office, see www.ico.org.uk/concerns.

I thank you in advance for your help with this important piece of research. Please keep this information sheet for your reference.

Ms Claire Casha B.Psy. (Hons), M. Family St. (Melit.)
Ph.D. Student at the SPSW Department, University of York

Appendix E: Consent Form

Project title: A research study of separated fathers' experiences in Malta

		Please initial box
1	I have been told what this research is about and what it involves. I have been given an information sheet (final version named 'information_2') and have had opportunity to ask questions.	
2	I understand that I do not have to take part in the research, but I agree to take part in the research. I am aware that my choice to participate or not will not in any way affect the service I will be given by my notary/lawyer/group leader, nor will it affect the outcome of any court cases I am involved in.	
3	I agree to be audio-recorded. I understand that I can still take part without being recorded if I wish.	
4	I understand I can decide not to answer specific questions. I also understand that I am free to withdraw at any time during the interview, and up to 3 months afterwards when I can ask for my information to be deleted and not used, without giving a reason.	
5	I understand that if the researcher thinks that I or someone else might be at risk of harm, they may have to contact the relevant authorities. But she will try and talk to me first about the best thing to do.	
6	I understand that the audio recording will be transcribed and anonymised. Audio recordings, notes and any demographic information identifying participants will be destroyed at the end of Ms Casha's Ph.D. (which is expected to be around September 2022).	
7	I am aware that some of the things I say may be used as a quote in written work but my name and other identifying information will be removed. I understand the findings from the research may also be used at conferences and policy workshops, but I will not be named in any such outputs and my personal information will remain confidential.	
8	I agree for my processed anonymous data to be archived at The University of York, and to be used by other researchers or in future research studies.	

Participant signature: _____ Date: _____

Researcher signature: _____ Date: _____

Appendix F: Topic Guide/Interview Schedule

Thank you for accepting to be interviewed.

As you know, in this interview I would like to hear about your experiences regarding making child maintenance arrangements. But before we begin that detailed discussion, it will be really helpful for me in the interview to understand a little about your current family circumstances.

CURRENT LIVING ARRANGEMENTS

1. Can you kindly explain who lives with you in your household now and what relationship they are to you?
2. Can you tell me briefly about your ex-partner and children that do not live with you?
 - a. how many children do you have with your ex-partner/s?
 - b. where do those children live and with whom do they live?
 - c. do you see your children at the moment?

Thank you for that information – I would now like to move into the detailed part of the interview and discuss things more with you...beginning with what happened regarding the separation...

SEPARATION AND SEPARATION PATHWAY

3. Can you tell about when you separated from your child/ren's mother...
 - a. how long ago did you separate?
 - b. how many years were you together?
4. Were the courts involved – how? What were your experiences of the court system?

FAMILY RELATIONSHIPS AND BELIEFS AROUND FATHERING

5. What role if any did your family play at the time of separation?
 - a. what can you tell me about your relationships with your parents?
 - b. what can you tell me about how you were parented?
6. What does fatherhood mean to you?
7. Please explain, how are relationships now with your ex-partner and your children?

CHILD MAINTENANCE ARRANGEMENTS

8. Please explain how your child maintenance arrangements were made?
 - a. have things always been this way?

- b. if not, what changed and how do you account for these changes?
- 9. Please tell me about any challenges you had in paying child maintenance?
 - a. how did that make you feel?
 - b. how have these been dealt with?
 - c. how would you have preferred/liked things to have been dealt with?
- 10. Have you ever asked for, and/or received support from others about your separation or child maintenance arrangements?
 - a. who did you turn to for advice/help? (prompt for any religious churches/groups as well as family and friends)
 - b. how did you experience that support?
- 11. How satisfied are you now on a scale of 0-10 with the arrangements for paying child maintenance?
- 12. What do you think would improve your situation regarding paying child maintenance?

FINAL QUESTIONS

- 13. Finally, what key things do you think Maltese policymakers could do with regard to the issues around parental separation, including post-separation parenting arrangements around custody and child maintenance?
- 14. Is there anything else you feel is important that you would like to tell me?

THANK YOU FOR THAT – Before we finish I just have some very quick and basic questions about your circumstances (go to brief questionnaire).

Appendix G: Brief Questionnaire

The information you gave will be very helpful. Just before we conclude, there is just some basic details I need from you that will help with the analysis.

RESPONDENT CIRCUMSTANCES

Which age range would you fall into?

- 15-19 = 01
- 20-24 = 02
- 25-29 = 03
- 30-34 = 04
- 35-39 = 05
- 40-44 = 06
- 45-49 = 07
- 50-54 = 08
- 55-59 = 09
- 60-64 = 10
- 65+ = 11

Which of the following best describes your employment status?

- Full-time employer/self-employed = 01
- Full-time employee = 02
- Part-time employee = 03
- Unemployed = 04
- Retired = 05
- Other = 06 (please specify):

If employed, which occupation best describes your main job right now?

- Armed Forces = 01
- Managers = 02
- Professionals = 03
- Technicians and associate professionals = 04
- Clerical support workers = 05
- Service and sales workers = 06
- Skilled agricultural, forestry and fishery workers = 07
- Craft and related trades workers = 08
- Plant and machine operators and assemblers = 09
- Elementary occupations = 10
- Other = 11 (please specify):

Which of the following best describes your main source of income?

- Own paid work = 01
- Social welfare = 02
- Private pension = 03
- Support from new partner/spouse = 04
- Other = 05 (please specify):

IF YOU HAVE A NEW PARTNER/ SPOUSE LIVING IN THE SAME HOUSEHOLD: PLEASE CAN YOU DESCRIBE...

Which of the following best describes their employment status?

Full-time employer/self-employed = 01

Full-time employee = 02

Part-time employee = 03

Unemployed = 04

Retired = 05

Other = 06 (please specify):

If current new partner/spouse is employed...which occupation best describes their main job right now?

Armed and Disciplinary Forces = 01

Managers = 02

Professionals = 03

Technicians and associate professionals = 04

Clerical support workers = 05

Service and sales workers = 06

Skilled agricultural, forestry and fishery workers = 07

Craft and related trades workers = 08

Plant and machine operators and assemblers = 09

Elementary occupations = 10

Other = 11 (please specify):

FORMER/EX-PARTNER'S STATUS

Which of the following best describes your ex-partner's partnership status:

Single parent – living alone with children = 01

Single parent – living alone with children and other family members (grandparents) = 02

Has new partner – but they do not live together = 03

Has new partner/spouse and they live together as a family with the children = 04

Other = 05 (please specify):

Do not know = 06

Which of the following best describes your ex-partner's employment status?

Full-time employer/self-employed = 01

Full-time employee = 02

Part-time employee = 03

Unemployed = 04

Retired = 05

Other = 06 (please specify):

Do not know = 07

If ex-partner employed: which occupation best describes their main job right now?

Armed Forces = 01

Managers = 02

Professionals = 03
Technicians and associate professionals = 04
Clerical support workers = 05
Service and sales workers = 06
Skilled agricultural, forestry and fishery workers = 07
Craft and related trades workers = 08
Plant and machine operators and assemblers = 09
Elementary occupations = 10
Other = 11 (please specify):
Do not know = 12

Which of the following best describes your ex-partner's main source of income?

Own paid work = 01
Social welfare = 02
Private pension = 03
Support from new partner/spouse = 04
Other = 05 (please specify):
Do not know = 06

RELIGIOUS BELIEFS AND PRACTICES

Which of the following category best describes your religious beliefs?

Christian (Roman Catholic/Protestant/Greek Orthodox/other Christian denomination) = 01
Jewish = 02
Muslim = 03
Agnostic/Atheist = 04
Other = 05 (please specify):
Prefer not to say = 06

Would you say you practiced your religion regularly?

Yes, regularly every day – every week = 01
Yes, but generally only on special festival religious festivals = 02
Yes, but very rarely = 03
No, I do not practice my religion any more = 04
Prefer not to say = 05

THANK YOU

Appendix H: Helpful Information

Thank you for having participated in my study!

Sometimes, when people reflect on their lives and on their family life experiences, especially when they have faced adverse life events, they might feel that they need support or help in the form of talking therapy.

Facebook groups

There are a number of facebook groups for those who are separated/divorced. These include:
Separated or Divorced – Mingle, Malta <https://www.facebook.com/groups/64072085605527/>
Single parents and separated parents group Malta <https://www.facebook.com/groups/1936441729925575/>
Ward u zghar <https://www.facebook.com/groups/1465830706967407/> (face-to-face support group as well)

Face-to-face support groups

There are a number of support groups for separated/divorced fathers in Malta. These include:

- Caritas Ro-Se group is a group for widowed and separated fathers and mothers. Information about the aims of this group is available on their webpage <https://www.caritasmalta.org/services/agency/counselling-and-social-work/groups/> Those wishing to join the group can call any Friday at 6.00 pm at Caritas Malta, 5 Triq l-Iljun, Floriana.
- Caritas YSSG (Young Separated Support Group) offers comfort, relief and direction to persons who have gone through a process of marital separation, or are going through it. Information about the aims of this group is available on their webpage <https://www.caritasmalta.org/services/agency/counselling-and-social-work/groups/> Those wishing to start attending this support group must first call on the Caritas helpline (2590 6600) and speak to a counsellor who will guide them accordingly.
- Men's Rights Movement Malta⁸. Information about the group is available on their facebook page. You can contact the group via messenger by visiting their facebook page <https://www.facebook.com/Mens-Rights-Malta-116857365082484/>
- *Tama u Kuraġġ*. Please call on 7933 7376.
- You Are Not Alone (YANA). Please call on 7900 9178.

Coparenting Services

Coparenting Services is an endeavour within the Foundation for Social Welfare Services which was launched in 2017 with the aim of educating parents who are either already separated/divorced or in the process of separation, with practical skills for the upbringing of their children. The aim of this course is to help parents address difficulties encountered due to the separation, both as individuals as well as parents. Those interested in applying are urged to contact the *Coparenting Service* by calling 2295 9000 or via email at coparenting@gov.mt.

Talking therapy

If you feel you need social work or therapeutic interventions, you can seek help from *Agenzija Appoġġ* by calling 2295 9000. Alternatively, should you prefer to benefit from psychotherapeutic services offered on a private basis, you may contact any of the following helping professionals:

Ms. Anna Maria Borg Bartolo (counselling psychologist & Gestalt psychotherapist) 7994 9949

Ms. Justine Buttigieg (Gestalt psychotherapist) 7925 7471

Ms. Roberta Farrugia Debono (clinical psychologist and family therapist) 7953 7698

Ms. Ingrid Grech Lanfranco (counselling psychologist and family therapist) 9986 2272

Ms. Beatrice Jacuch (clinical psychologist) 9960 9523

Mr. Joseph Mangion (family therapist) 7961 8312

Mr. Ray Micallef (psychotherapist) 7933 3312

⁸ This was the sheet as approved by SPSW Ethics Committee and SWB FREC. However, shortly before fieldwork started, the author was informed that this movement was no longer active. Contact information for *Flimkien Missirijiet Inqumu*, a fathers' rights group, and *Happy Parenting Malta*, an organization advocating against parental alienation, was therefore also given.

Appendix I: Confidentiality Form for Transcribers

Project title: Child maintenance payment obligations in Malta: A qualitative study of fathers' perceptions and experiences.

This research is being undertaken by Claire Casha, PhD candidate in the Department of Social Policy and Social Work, University of York. This study has been approved by the Ethics Committees of the Universities of York and Malta.

As a transcriber of this research, I understand that I will be hearing recordings of confidential interviews. The information on these recordings has been revealed by interviewees who agreed to participate in this research on the condition that their interviews would remain strictly confidential. I understand that I have a responsibility to honour this confidentiality agreement.

I agree not to share any information on these recordings, about any party, with anyone except the Researcher of this project. Any violation of this and the terms detailed below would constitute a serious breach of ethical standards and I confirm that I will adhere to the agreement in full.

I, _____
agree to:

1. keep all the research information shared with me confidential by not discussing or sharing the content of the interviews in any form or format (e.g. WAV files, CDs, transcripts) with anyone other than the Researcher.
2. keep all research information in any form or format (e.g. WAV files, CDs, transcripts) secure while it is in my possession.
3. return all research information in any form or format (e.g. CDs, transcripts) to the Researcher when I have completed the transcription tasks.
4. after consulting with the Researcher, erase or destroy all research information in any form or format regarding this research project that is not returnable to the Researcher (e.g. WAV files, information stored on my computer hard drive).

Transcriber:

(print name)	(signature)	(date)
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Appendix J: Pen Portraits of Participants

The following are pen portraits of all participants listed in alphabetical order by pseudonym. These pen portraits are intended to give an overview of their circumstances and a snapshot of their views of post-separation parenting arrangements at time of interview which might have changed, and are therefore narrated in the past tense. Nationalities and exact job titles are not reported in order to protect anonymity. Higher-status job refers to a professional or managerial post.

ALAN (consenting payer, 1 child) was a semi-skilled worker. He described his wage as “not being very good” and his apartment rent as being high despite taking on a room tenant. Direct financial help as well as in-kind help from his family of origin was reportedly vital to help him address financial challenges in regard to payment of child maintenance and of legal fees incurred. Alan viewed child maintenance obligations as a responsibility and also a guarantor of access although his ideal was a shared parenting agreement involving no transfer of child maintenance monies. His views were shaped by his perceptions of his own father as not having been there for his family, both financially and in terms of nurture. Alan reported a good, collaborative relationship with his ex-partner although he initially experienced challenges in this regard. The co-parenting relationship improved with time, with Alan attributing this to his ex-partner’s realization that his contribution was needed.

ALFRED (dissenting payer, 1 child) held two different jobs. owned a home but was living with kin. He reported having under-estimated direct parenting costs and reported that with hindsight, it would have been fairer to split health and education costs but not transfer any monthly sum of maintenance monies. His ideal preference was for an equal shared parenting arrangement involving no transfer of child maintenance monies, but he supported transfer of maintenance monies in other arrangements. In Alfred’s case, child maintenance had a guarantor function as he wanted to ensure access. He had initial difficulties in regard to co-parenting, but his ex-partner reportedly desisted from continuing to engage in behaviour he experienced as unhelpful. Alfred attributed this change to clearly communicating his views with her in this regard. However, he reported on continuing to adopt strategies to avoid couple conflict and to protect his relationship with his child.

BRUCE (dissenting payer, 1 child) held a low-skilled job. He was re-partnered and renting a home. He likened payment of child maintenance monies to “gambling” on the grounds that his ex-partner had mental health challenges which in his eyes rendered her not only incapable of judicious use of child maintenance monies, but also of adequate parenting. Bruce also reported having to fork out additional maintenance monies in direct parenting costs and to manage his child’s care – for example, placing calls to school to check up on whether she had turned up for school. He believed it best for him to be assigned primary residential parent status.

CHRISTIAN (consenting payer, 2 children) held a high-status job. He owned his home, was re-partnered and had one child from his new relationship. He reportedly incurred heavy financial losses in the process of negotiating a contract with his ex-partner, in the hope that they would reconcile. However, he had a good salary and could afford his child maintenance obligation amount. Christian proposed child maintenance payment during negotiations, mainly due to his belief in financial provision but also to mitigate against perceived risks of being denied access. He was the only consenting payer to report a negative appraisal of his co-parenting relationship and deep dissatisfaction with access arrangements which he viewed as rigid and inflexible. Christian favoured equal shared parenting arrangements.

DAN (dissenting payer, 3 children) owned business ventures and owned his home. He reported challenges in terms of seasonal/irregular income. He also reported dissatisfaction with co-parenting and access arrangements in relation to his last past relationship involving a child. Dan would have preferred an equal shared parenting arrangement as he had with his first ex-partner, by whom he had two children, and with whom he reportedly had a good co-parenting relationship.

DOUGLAS (dissenting payer, 2 children) held a higher-status job and described his salary as “not bad”. However, he reported financial challenges, chiefly due to rent, monthly mortgage payment for the home he owned which he had yet to move into, and a child maintenance amount he perceived as high. Other factors influencing his dissent were reported inequity between households and inflated child maintenance expenses on his ex-partner’s part. Douglas had reportedly negotiated for an equal shared parenting agreement involving a lesser monthly sum of maintenance than he was currently paying, an offer reportedly refused by his ex-partner.

ERIC (dissenting payer, 3 children) held a higher-status job and was living with kin due to not being able to afford housing. He faced financial challenges due to having to pay half the mortgage of the matrimonial apartment in which his ex-partner and children resided and to what he perceived as a high amount of monthly child maintenance, especially during the period when he had to maintain all three of his children. He felt resentful towards his ex-partner's new partner who was living off him in his view. Eric perceived his ex-partner to have obstructed his bonds with his children and was dissatisfied with current access arrangements in relation to his youngest child. He was also dissatisfied with his ex-wife's use of maintenance monies, reporting that he had to pay extra by also affecting direct payments towards his youngest child's needs.

GABRIEL (consenting payer, 1 child) was a skilled worker and reported having been able to supplement income with part-time/overtime work. However, he could not afford housing following separation and was living with kin. He reported overall satisfaction with his maintenance obligations and the affordability of maintenance. Gabriel reported a generally collaborative relationship with his ex-partner and was satisfied with access arrangements. He reportedly experienced a few misgivings around the co-parenting relationship which he tolerated as long as he perceived his child as being happy.

GARY (dissenting payer, 1 child) owned his own home. He did not give details in relation to his job type. He reported experiencing financial hardship, including having skipped mortgage payments, doing without, and receiving help from parents. This could be due in part to him having stopped working overtime shifts, a decision he attributed to undertaking in order to free up time for access to his child. His dissent in regard to maintenance monies was mainly attributable to his negative appraisal of his ex-partner's caring abilities and use of child maintenance monies. He experienced difficulties with access and was dissatisfied with current arrangements given his belief in equal shared parenting.

GEORGE (consenting payer, 1 child) held a skilled job and described having opportunities for overtime/part-time work. He owned his home but was residing with kin due to difficulties coping following a recent relationship break-up. George did not have biological children from this relationship. He had one adult child with his ex-partner. George reported a good co-parenting relationship with his ex-partner following

separation and throughout the whole period when he was due to pay child maintenance, and was satisfied with access arrangements throughout this same period.

GERARD (dissenting payer, 2 children) held a higher-status job but described his salary as “limited” [sic.]. He was a tenant and not yet paying formal child maintenance monies but was somewhat reluctantly about to sign a contract specifying that he pay child maintenance towards his younger adult child whom he was still obliged to maintain. Gerard’s reluctance stemmed from his limited financial resources; reported inequity between households; perceived financial inequality during past episodes of his child residing with him; and reported misuse of monies by his ex-partner during the relationship, including theft of monies from family members and loans she incurred which he had to shoulder with her.

JASON (dissenting payer, 1 child) held a higher-status job and owned a home but had not yet moved in and was living with kin. Jason was dissatisfied with current access arrangements. He negatively appraised his ex-partner’s use of maintenance monies as well as the environment she was bringing their child up in. He perceived her as having attempted to obstruct his bond with his child. His co-parenting relationship was further strained by allegations his ex-partner made that he had sexually abused their child.

JOHN (dissenting payer, 2 children) owned business ventures and co-rented a home. He reported financial difficulties due to irregular income, rent, and a child maintenance amount perceived as high. John favoured equal shared parenting arrangements without transfer of the monthly sum of maintenance money. He was satisfied with his initial separation arrangements. However, access was later restricted, and his maintenance obligations increased to what he perceived as an unsatisfactorily high amount following a legal dispute over contested health, education, and extracurricular expenses which he claimed he had not been consulted about. These changes resulted in his dissatisfaction with current parenting arrangements.

KARL (consenting payer, 1 child) held a skilled job and was residing in the matrimonial apartment. He had an equal shared parenting agreement with his ex-partner. This involved sharing health, education, and extracurricular costs but no transfer of child maintenance monies either way. Karl believed that such arrangements do away with the need to transfer child maintenance monies. He reported having a very collaborative co-parenting relationship with his ex-partner.

KEN (consenting payer, 1 child) held an administrative post and described having opportunities for overtime/part-time work. He owned his home. He expressed scepticism about whether all his child maintenance sum was going towards the needs of his child, but was relatively satisfied with his ex-partner's use of such money and with his child maintenance obligations. He also reported satisfaction with access arrangements.

LIAM (dissenting payer, 4 children) had faced complex life course challenges, having undergone multiple transitions in terms of relocations to countries in South America, jobs, housing, and relationships, which transitions contributed to his financial difficulties. At time of interview, he held low-skilled work and owned a home which he described as being in a dilapidated condition. He was currently residing with his foreign partner, whom he described as being an important source of financial support. He was informally separated from his last partner with whom he had one child. He had reportedly never seen this child and did not have formal child maintenance arrangements in place, although he was eligible to participate in the study as he had formal arrangements in place in regard to children from his previous relationship. Of note is that he negatively appraised co-parenting with all three mothers of his children and reported having experienced access difficulties in relation to all four children. Liam favoured equal shared parenting arrangements.

LORRY (consenting payer, 1 child) had two different sources of income and owned his own home. He reported having given his ex-partner more than her fair share of assets in order to move on from the breakup as fast as possible. His co-parenting relationship was not marked by conflict between the parties, but Lorry viewed certain behaviours on his ex-partner's part as annoying to their child. However, he reported choosing not to challenge them and asking his child to bear such behaviours in order not to stir up conflict. He was satisfied with access arrangements and with the affordability of his maintenance obligations.

MARK (consenting payer, 1 child) held an administrative post but supplemented income with overtime/part-time work. He owned an apartment which at time of interview was occupied by his ex-partner and child. He was residing with kin. Mark reported a friendly relationship with his ex-partner and satisfaction with both maintenance and access arrangements. He was the only participant to say that if he could, he would pay more

child maintenance because of the current cost of living. Mark reportedly paid his ex-partner a higher amount of child maintenance than that stipulated in the contract for many years following separation, including for some months after changing to a lower-salary job, after which period he then started paying her the amount cited in the contract.

MAX (dissenting payer, 1 child) owned a number of business ventures and owned his home. He suffered from mental health challenges following separation which resulted in unemployment for around a year. His financial difficulties were compounded by sequestration of assets. Max expressed preference for giving maintenance monies directly to children. He had court litigation over health, education, and extracurricular child maintenance payments which he was reportedly not consulted on. As an outcome of such litigation, Max had to pay an all-inclusive monthly sum of money and was satisfied with the amount of this all-inclusive sum. Max was dissatisfied with current access arrangements although he did not support equal shared parenting arrangements, viewing such arrangements as unstable for children.

NATHAN (dissenting payer, 1 child) held a higher-status job and owned his home. He reported financial challenges, primarily due to payment of mortgage and child maintenance. Nathan was dissatisfied with his co-parenting relationship. He negatively appraised his ex-partner's use of maintenance monies and perceived her to have progressively restricted access arrangements and jeopardized his relationship with his child.

OMAR (consenting payer, 1 child) was retired. He owned an apartment which he had not yet moved into and was residing at kin's accommodation. Despite a relationship marred by challenges and a difficult breakup, he and his ex-partner maintained a collaborative relationship, and he harboured hopes of reconciliation. Omar viewed child maintenance as 'needed' but expressed reservations about it being paid in cases where mothers are employed (as is his ex-partner). Nevertheless, he had signed a contract citing a formal child maintenance amount as well as voluntary payment for additional costs. Omar expressed scepticism about the formal sum of money going to his child as he reported not being shown receipts to account for its use, whereas he was shown receipts for extra costs which he reportedly paid for voluntarily. However, he objected to paying for these additional costs on the grounds that his ex-partner earned a decent

salary, although he claimed to have always paid for them. He was satisfied with current access arrangements.

OWEN (consenting payer, 2 children) held a low-skilled job and stated he had had overtime/part-time opportunities. He was residing with kin as he was still doing up his home. Despite a very traumatic breakup, he reported a friendly relationship with his ex-partner. He expressed some scepticism about his ex-wife's caring abilities and use of maintenance monies, but was relatively satisfied with her overall execution of her mothering role and with his child maintenance obligations, and was also satisfied with access arrangements.

RYAN (dissenting payer, 1 child) held a higher-status job and owned his home. He was the only dissenting payer to report having a generally collaborative co-parenting relationship. Ryan was relatively happy with access arrangements and had managed to increase access but would have preferred an equal shared parenting arrangement. During his negotiations he agreed to pay child maintenance, in part due to pressure from legal professionals to pay maintenance to the mother as the main carer of the child, but mainly because the issue of maintenance became entangled with his main agenda of keeping a joint property without giving his ex-partner more than her fair due share. He contested maintenance monies on the basis of his ex-partner being a reportedly high salary earner.

RUSSELL (dissenting payer, 1 child) held a semi-skilled job and reported having opportunities for overtime/part-time work. He owned his home but was reliant on financial help from family. Reportedly, he was satisfied with the initial parenting agreement, which did not involve transfer of child maintenance monies. This changed following his legal contestation of such an arrangement due to his perception of inadequate environments the child was exposed to. He subsequently faced loss of access (although this later increased) and was advised by his advocate to pay child maintenance to strengthen his case in the eyes of the judiciary. Russell expressed dissatisfaction with his ex-partner's use of child maintenance monies and caring abilities.

SAMUEL (dissenting payer, 2 children) resided in the matrimonial home. His case involved a split residency arrangement. Samuel objected to paying child maintenance on the grounds that he was not being paid maintenance for his resident child by his ex-

partner whom he perceived as having relinquished such duties by not working full-time. Samuel felt angry and hurt about his ex-partner who reportedly always had a strained relationship with his resident child, having reportedly alienated his nonresident child from both him and his resident child.

SIMON (consenting payer, 2 children) held semi-skilled work but had opportunities for overtime/part-time work. He resided with kin due to not being able to afford housing following separation. Despite some scepticism about his ex-partner's use of maintenance monies, he expressed relative satisfaction with her execution of her mothering role and with his child maintenance obligations. Simon was also satisfied with access arrangements.

STEFAN (dissenting payer, 2 children) held a higher-status job and still co-owned homes with his ex-wife. Despite earning a good salary and having taken on a tenant, he perceived his child maintenance amount to be high and also reported paying additional monies towards children's gifts. He was also dissatisfied in regard to access arrangements and to perceived obstruction of his bond with children on his ex-partner's part. Although he did not say so directly, his account indicated that he may have been perceived by his ex-partner as engaging in abusive behaviours towards his child/ren.

TERENCE (dissenting payer, 1 child) held a higher-status job and owned his own home. Following separation his ex-partner reportedly described his behaviour towards their child (to the judiciary) as abusive – which he attributed to her serious mental health issues – and he consequently did not have access until a later court judgement. Initially he did not pay any maintenance monies until his ex-partner formally asked to be paid child maintenance which he was currently reportedly paying. His dissent to maintenance payment was attributed to perceived misappropriation of maintenance monies on the part of his ex-partner who was also reportedly lacking in basic caring abilities due to serious mental health issues. Terence reportedly offered her a lower sum of maintenance in return for an equal shared parenting agreement which she refused. He believed he has a case for being the better carer and accordingly was fighting for primary residential carer status.

TOM (dissenting payer, 1 child) held a higher-status job and owned his own home but resided with his new partner. Tom did not agree with transfer of child maintenance monies in the context of him favouring an equal shared parenting agreement. He was

dissatisfied with current access arrangements. He reported a non-existent co-parenting relationship, marred by perceived obstruction of his bond with his child on the part of his ex-partner and her accusations that he had been sexually abusive to their child.

TREVOR (dissenting payer, 2 children) held a higher-status job and was residing with kin. He reportedly had to sell an apartment in order to mitigate the effects of a foreseen sequestration order and to have available money for what he saw as necessary legal litigation. Trevor did not object to paying the monthly sum of child maintenance money, although he had conflict with his ex-partner over the interpretation of which elements of his salary should be included in the calculation of the sum; but he objected to the health, education, and extracurricular expenses on the grounds of reportedly not having been consulted over expenses. His litigation over such expenses had reportedly resulted in his ex-partner sabotaging access to the children.

WILLIAM (dissenting payer, 2 children) held low-skilled work and owned an apartment. He had two adult children, one of whom he was reportedly maintaining, as obliged. He was estranged from both children. William was sceptical about whether the money being transferred to his ex-partner was going towards the (adult) child's needs and believed it would be better for child maintenance monies to be given directly to children when they turn 18 years of age. His perception of his ex-partner's trusteeship of maintenance monies was coloured by many experiences of reported disrespect for his role as father and past conflict over money management including reported theft of business monies he was responsible for.

Appendix K: Exemplar of Matrix – Fathering Role

Ideology Sub-Themes⁹

Pseudonym	Orientation to financial provider role	Explicit views on child maintenance monies being needed	Belief in equal shared parenting	Downplaying financial provision/ Abstraction of financial provision from care	Explicit views on direct provision of child maintenance monies to children
Alan	“I’m still her father and I still have responsibility...I just feel like I have to pay.” (lines 419-423)	Did not want to be like his father “I grew up with a father who didn’t care. He didn’t give my mum anything. I didn’t want to be that way. I wanted to make sure I always did the right thing for my little child” (lines 425-427)	Ideally, yes, with no transfer of child maintenance monies “I think everything should be more fifty-fifty. And if you’re doing it fifty-fifty, then there is no reason that anybody has to give- pass- money” (lines 551-554)	Said children should not be spoilt	
Simon	Strong endorsement of provider role Talked about ex-partner never needing to work and children never wanting for anything				
Gabriel	“Your child should not want for anything.” (line 395)				
Ken					
George					
Mark	Strong endorsement of provider role	Endorsed the notion and amount in the light of children’s			

⁹ In the Excel sheets, the table was flipped, in that columns represented the interviewees (with the case name being the pseudonym assigned to each interviewee), and the rows represented the sub-themes given that for the author it was easier on the eye to compare cases horizontally than it was to do so vertically. In order to further enable comparison between the two groups of fathers, the first 12 cases were consenting payers and the next 19 were dissenting payers.

	Viewed money as immensely important	needs and cost of living Paid more than amount cited in contract for many years including for some months after changing to a lower-paid job Said he would give more if he earned more			
Alfred	Referred to financial provision as important component of fatherhood	Yes, said there should be a "baseline amount" of €100/200 in traditional arrangements	Ideally, yes, with no transfer of child maintenance monies		
Omar		Maintenance is necessary "...maintenance is there...because it's needed...it's for my child..." (lines 766-768 & 821-822)			
Lorry	Strong endorsement of provider role "A good father has to be there for any eventuality. Be it of a financial or moral nature." (lines 109-111)				
Owen	Strong endorsement of provider role Discussed impact of provision on family's material wellbeing	"...I got it into my head, that whether I had separated or not, I still had to fork out that money, because those children are mine..." (lines 1463-1468)			
Christian	Yes	Child maintenance provision driven first and foremost by paternity feelings "...I need to provide for my child, my paternity feelings	Ideally, yes Provision and nurture placed equal first "Money cannot buy care or love and I do not feel I am taking care of		

		force me to do something..."	[child] as I should."		
Karl		Sharing education and health costs component only	Had an equal shared parenting arrangement Believes shared parenting with no transfer of child maintenance monies should be the norm except when children are under 2 and/or parents have mental health difficulties		
Ryan			Yes, with no transfer of child maintenance monies	Believes traditional arrangements may result in spoiled children as parents try to win them over by buying them material things	Emphasized that children are still maintained under a shared parenting arrangement "It's like a taboo here in Malta...because they say that the father doesn't want to provide maintenance. Of course, I want!"(lines 341-343)
Dan			Had equal shared parenting with first ex-partner Unsuccessful in his attempt to have an equal shared parenting with second ex-partner		Stressed that children are still maintained in equal shared parenting arrangements AND Preferred bank transfer in relation to child from second relationship "... I told [ex-partner] let's each pay out [monthly child maintenance sum] and invest them in a bank...we can then cover all expenses from this account, but she didn't

					want...because she is also living off the sum [I give her]." (lines 791-796)
Nathan			Talked about wanting free access		
John			Yes, with exceptions in cases of abuse by, or mental health problems of, parents		Yes, used term "direct maintenance" in relation to shared parenting arrangements
Russell			Yes, with exceptions in cases of abuse such as substance abuse by parents		
Gary			Yes		
Liam			Yes, with exceptions such as abuse or drug abuse by parents No transfer of child maintenance monies "...the maintenance has to go. I believe in 50, 50...equal shared parenting..." (lines 3863-3868)	"...you see the best interest of the child; you don't look at the material things..." (lines 4085-4088)	
Bruce			Yes	Praised child for delayed gratification ability Mentioned that he is against spoiling so as not to encourage protest behaviour on children's part	Would have preferred investing money for child in a bank account
Gerard					Cross-ref theme of financial egalitarianism: Believes each parent should maintain resident child in split

					residency arrangements
Douglas			Yes	<p>Presented nurturing as morally superior to financial provision</p> <p>“Ideally I would go for shared parenting when the parents can do so...because there are those whose work does not permit them to do so; or perhaps he doesn’t have time for children as he finds a partner and says, right now my partner is my priority, I prefer to give money and live my life. But there are dedicated fathers who say I can teach them, I can enjoy them, I can give them everything.” (lines 218-227)</p> <p>But offered monthly sum of money to mother in exchange for shared parenting</p>	Said that shared parenting does away with maintenance as each parent spends the same amount
Max			Has reservations: not sure how healthy it is for children, concerned it may result in a lack of stability for children	<p>Praised child for delayed gratification ability</p> <p>Expressed belief that it is important not to buy children’s love with material things</p>	<p>Yes, via bank transfer</p> <p>“If I could give more I would, but...not to my ex-partner to manage, I would find another way...for example, a bank account...and deposit there.” (lines 1849-1856)</p>
Eric	Mentioned working hard for (previously intact) family				
Jason			Cross-ref theme of matricentric justice system: Believed better carer should be assigned		

			primary carer status		
William				Although he discussed the importance of buying basic goods, his account was marked by strong belief in the importance of thrift	"I don't know if she is giving it to [child]...What should happen is, when [child] turns 18, the money should go to the child..." (lines 642-650)
Stefan			Yes		
Tom			Yes, with no transfer of child maintenance monies "... a good contract for me nowadays is where there is equality between parents...and the child...has the ability to see the father just like the mother...it's not for the money..." (lines 124-126) & (lines 322-325)		
Trevor					
Terence			Yes, with no transfer of child maintenance monies given equal time in each parent's care	Referred to importance of not spoiling child	
Samuel	Talked about taking care of family by providing as a component of good fatherhood				Cross-ref theme of financial egalitarianism: Believes each parent should maintain resident child in split residency arrangements

Appendix L: List of Acronyms

ACRONYM	FULL FORM
€	Euro currency
CHRJ	Commission for the Holistic Review of Justice
EIGE	European Institute for Gender Equality
EU	European Union
MJCLG	Ministry for Justice, Culture, and Local Government
NCFR	National Centre for Family Research
NSO	National Statistics Office
S.L. 12.20	Subsidiary Legislation 12.20
SPSW Ethics Committee	Ethics Committee of the Social Policy and Social Work Department at the University of York
SWB FREC	Faculty Research Ethics Committee of the Faculty for Social Wellbeing, University of Malta
UK	United Kingdom
US	United States

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