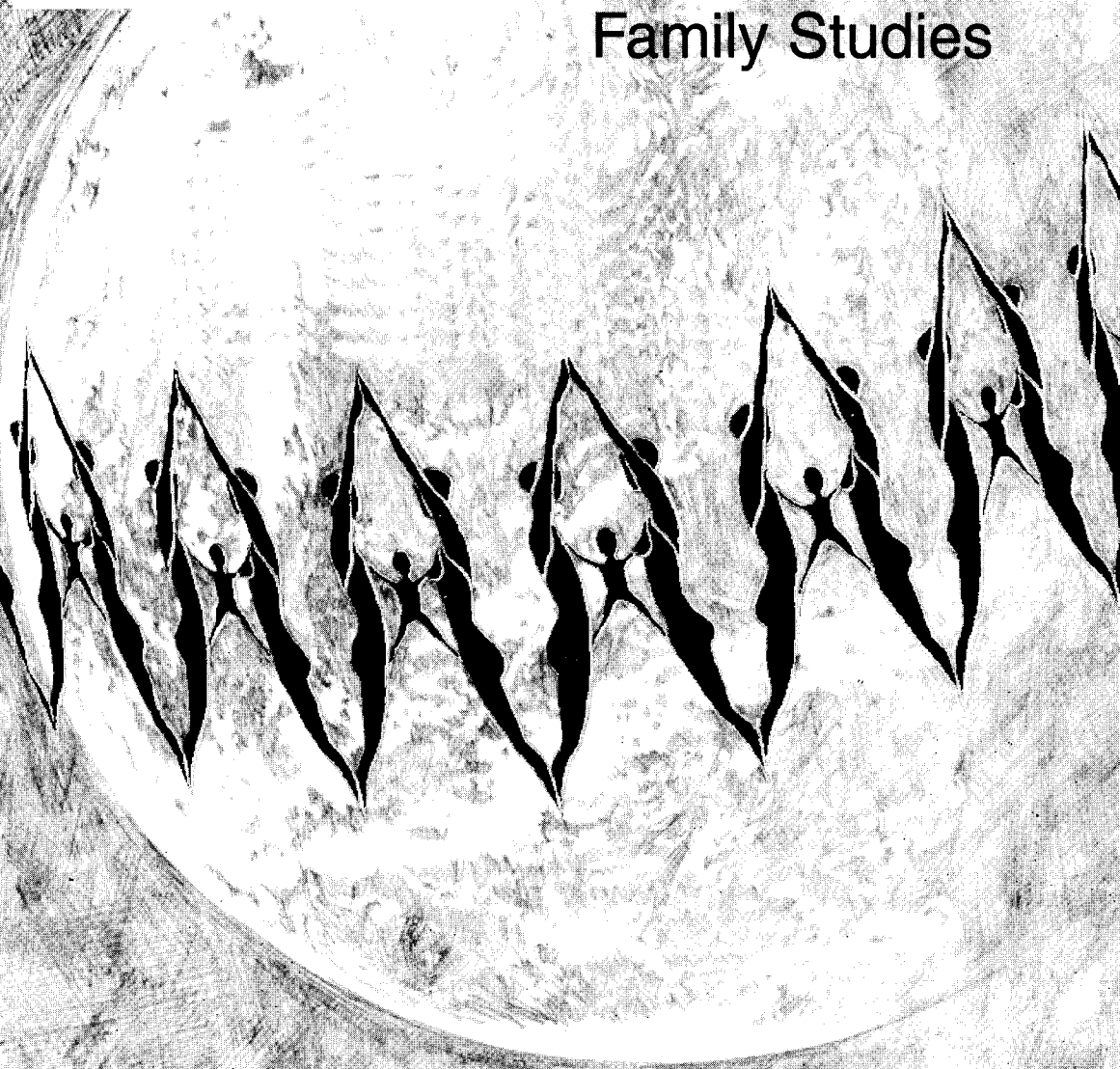


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Fatherless Costa Rica: Child Acknowledgment and Support Among Lone Mothers*

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INTRODUCTION

Costa Rica has a long history, shared with other Latin American countries, of high proportions of unmarried mothers, and children who are not acknowledged by their fathers (Pérez Brignoli 1981). The proportion of out-of-wedlock births in the country went from 38% in 1985 to 49% in 1998, and the proportion of births registered as from an unknown father went from 20% to 28% in the same period (source: Programa Centroamericano de Población, <http://populi.eest.ucr.ac.cr>). A further preoccupying recent demographic change is the increase in the number of teenage pregnancies after 1990 and most dramatically among girls younger than 15 years old (MIDEPLAN 1998a:168), despite the fact that in a second wave of decline, fertility is quickly approaching the replacement level (<http://populi.eest.ucr.ac.cr>). The divorce rate has increased continuously (from 9.9 divorces per 100 inscribed marriages in 1980 to 21.2 in 1996, (MIDEPLAN 1998a: 167,168). However, these figures do not capture all trends. Conjugal instability is expressed in cycles of unions and ruptures not registered in national statistics and common among the population in poverty (Fauné 1995:83). Indeed, the number of consensual unions is increasing (Gómez and Ramírez 1994). Often associated with these demographic changes is the increase in the proportion of women-headed households rising from 18% in 1986 (Marenco M., et al. 1998:4) to 22% in 1998. Chant states, that lone mothers “seem to be by far the biggest group of female heads (of households—mb/lr) at a world scale” (Chant 1997a). Lone mothers are women who bring up children on their own. They have similar needs, regardless of the reasons why they are not living with the child’s father. Their practical situation will be more or less similar dependent on their children’s age and their socio-economic situation. A lone mother need not be head of household nor the main economic contributor, i.e. *she need not have the key economic or status position within the household*¹. Lone mothers are not defined by their civil status, rather by their living situation

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Keywords: Paternity Establishment, Lone Mothers, Child Support, Costa Rica.

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¹ For a discussion of these different terms, see Chant (1997a), or Varley (1996).

and having young children in the household. Lone mothers may be living alone with their children or, more commonly, live with their parents or relatives ("concealed woman-headed households") (Varley 1996)².

The above-mentioned trends have brought renewed attention to two closely related social phenomena, namely lone mothers and unestablished paternity (children not acknowledged by a father). Indeed, in the past few years a debate about these issues took place in the media with particular emphasis on unestablished paternity (Foro sobre paternidad, 15/6/1997 documented by UNICEF and Universidad de Costa Rica 1997); *La Nación*, 6.7.97; *La Nación*, editorial: 18.7.97). The main issue was whether these developments should give cause for worry: The developments are not neutral but interwoven into various discourses. However, the thoughts of intellectuals or politicians shaping the discourses are not necessarily based on statistical evidence and do not necessarily reflect the actual situation of the women.

To date very little research on the women at greatest risk of having unacknowledged children — lone mothers — has been conducted in Costa Rica. Studies have referred to *jefas de hogar*, women-maintained or women-headed households, which is not exactly the same as lone motherhood. Other studies have targeted the problem of teenage pregnancies (Guzmán Stein 1997; Marengo M., et al. 1998; Porras 1994). Information about the men's view on paternity establishment and child support is crucial, however, research about men has only recently begun in Costa Rica with the main focus placed on male identity and masculinity (Chant 1997c; Gomariz 1997).

In this paper, we want to contribute to the rather ideologically dominated discourses with statistical and qualitative information. We concentrate on the possible (quantitative and qualitative) reasons for unestablished paternity and child support, by combining macro-level analyses with the qualitative analyses of the perceptions of lone mothers, who are key figures within the above mentioned developments and the discourses.

We first outline the public discourses. The distinction between the four discourses is somewhat arbitrary since the actual arguments overlap. However, we regard the typology a useful approach for distinguishing different strands of arguments, in particular for situating the assessments lone mothers make about their situation. Then we offer a brief overview of developments regarding unacknowledged births (unestablished paternity) by analysing macro data with regard to magnitude, geographical distribution, and other factors for which information is available. The macro-level data does not necessarily indicate what dynamics are taking place on the micro-level and within the families. It is not known which discourse best meets reality, or whether different discourses are valid in different cultural environments or in different socio-structural situations. The personal reasoning of the lone mothers is our focus of interest as it offers insights into why some children are not acknowledged by a father, and whether paternity establishment and claiming child support are desired or not. The qualitative information allows us to present, for the first time, what types of child support payment arrangements exist and how much child support is paid.

² "Concealed woman-headed households" are usually maintained by their family of origin or whoever is earning the money (De Vos and Richter, 1988 — cited in Varley, 1996: 513 — calculated that in Latin America more than 50% of never-married mothers did not head their own household).

DISCOURSES ABOUT PATERNITY ESTABLISHMENT IN COSTA RICA

The conservative, Catholic discourse

One evident discourse concerns sexual morality as promoted by the influential Catholic Church. Pre-marital intercourse, contraception, and abortion are forbidden and do not belong to a 'good' catholic environment. When an unmarried woman gets pregnant her father — the *pater familia* — in charge of the guaranteeing the norm, must re-establish the honour and sexuality of his daughter(s). Various courses of action may then be taken to mitigate the shame, such as: to expel the young mother from the family unit; to hide the pregnancy and to give up the new-born for adoption; to settle the situation by encouraging or enforcing marriage; to gain control of the situation by re-establishing control over the daughter, her contacts and sexuality; or, to enforce a (secret) abortion (although strongly repudiated by the Catholic doctrine). Paternity establishment thus becomes an issue decided upon by the *pater familia*.

Existing laws reflect this moralistic Catholic discourse, imposing barriers for young women to obtain the means and information necessary to prevent an unwanted pregnancy (Guzmán Stein 1997), since contraception is regarded as sinful and yet as a factor encouraging pre-marital sex. Public discussion about sexuality is also undesirable. In this discourse the unmarried mother is the accused, sinful woman (González Ortega 1997, 243ff; Schifter Sikora and Madrigal Pana 1996, 59ff) and men play a less important role (Hofstede 1998). Lone motherhood is considered an emergency situation, a temporary or transitional situation in need of resolution. The aim is to render this unwanted situation invisible and re-establish moral order. Money alone does not necessarily provide the answer since steps must be taken in the moral sphere thus re-establishing the patriarchal family order as well. The women are least discriminated if their out-of-wedlock pregnancy or births happened against their will.

The liberal discourse, 'the woman as victim'

A second discourse is implicitly based on catholic morality but has a more liberal face. Lone motherhood is the consequence of declining family values, with men abandoning their responsibilities. Lone mothers are regarded as victims, but also as responsible adult citizens that can be trusted and valued to raise the next generation. Help is necessary to support these women in the fulfilment of their task. This discourse centres on how to strengthen familial values and marital faithfulness, how to encourage responsibility and prevent family disruption. Financial help, given in a paternal and charitable manner is another way to help women in such situations since lone mothers are viewed mainly as mothers not workers. In this discourse, it is predominantly the men that are considered the irresponsible ones. Lone mothers constitute a social problem for society, as do their unacknowledged children.

Both the Catholic and the liberal discourse deem the two-parent family as the basic unit, the institution, for social support measures. The institution is vital to the stability of the entire society. Therefore, measures stemming from this discourse are designed to protect and promote this central social institution. Family forms that are not based on marriage (the system applied to regulate descent, and obligations and rights of both parents and children)

are discriminated. Furthermore, to dissolve such an important social institution, important reasons are necessary. In the Catholic discourse, the state of lone motherhood is considered transitory but is to a certain extent both denied and concealed. Measures are taken that are intended to lead the situation towards what is accepted as a legitimate family form. In the liberal discourse, a lone-mother family is considered an incomplete family. Therefore, in both discourses measures are favoured that help replace the vacancy created by the missing parent. Both discourses however, emphasize the norm of the two-parent family with the gender-specific distribution of labour (male breadwinner, female housekeeper) as the basic unit to which their measures relate.

The feminist discourse, the need for 'change in gender relationships in all areas'

Within the feminist discourse, it is argued that women may want to have children but — for whatever reason — not share the experience of parenthood with the father of the child. In contrast to the discourse in post-industrial societies, this discourse in Costa Rica and other developing countries centres on the burden women carry with regard to the irresponsibility of the fathers of their children, domestic violence and aggression. It does not often include the ideas of the "alternative lifestyles-discourse" (as a conscious decision to have a child without cohabiting on a regular basis with a partner). The gender-specific division of labour in the household and men's meagre contribution to the household is criticized. As in the liberal discourse, men are considered the irresponsible party even if the socio-economic situation of the region, country or nation is recognized as important in creating this situation. In contrast to the liberal discourse, however, women though they may be victims are nonetheless considered individuals capable of deciding for themselves.

Measures are favoured that help women to cope with their situation on both the macro and the micro-level. Demands on the macro-level concern changes in the male-biased legal system, the elimination of discrimination in the strongly sex-segregated labour market and the improvement of labour conditions. On the micro-level empowerment strategies are promoted such as analysing women's position and prejudices towards women in society, strengthening women's self-esteem so that they fend for their rights and promotion of income-generating activities; (Budowski and Guzmán Stein submitted; Chant 1997a). The feminist approach strongly advocates that laws should not be male biased regarding proof of paternity, that women should have the opportunity to decide for themselves, and that women need efficient laws to protect them, when they claim their legal rights (laws inhibiting men's irresponsibility and violence; Grupo Agenda Política de Mujeres Costarricenses 1997).

The poverty and welfare discourse

This discourse departs from the necessity to assure the population a minimum level of subsistence in order to maintain peace, stability, and democracy, and not hamper future development. It is based on the UNDP aims of eradicating poverty (Programa de las Naciones Unidas para el Desarrollo 1997). Poverty is to be eradicated without creating new welfare dependencies among the poor. The measures therefore need to target the practical and professional skills necessary to actively shape and overcome a disadvantageous situation and sustain a life out of poverty (World Bank 1994). Families maintained by women are found

to be more poverty-prone than other types of families (Buvinic and Gupta 1997; Chant 1997b; CMF 1994; CMF 1997; Marengo M., et al. 1998; Programa de las Naciones Unidas para el Desarrollo 1997; República de Costa Rica 1997). Children, if they are acknowledged, i.e. if they have their father's family name, are entitled to receive child support payments³. Therefore, if Costa Rican society experiences an increase in unacknowledged children, it is faced with more women — at least legally — not receiving child support payments. The poverty discourse converges with the feminist in Costa Rica as regards the issue of women-maintained or women-headed families.

The feminist and poverty discourses are based on the individuals as units for policy measures and emphasize human rights. Such measures and rights are not left to internal mediation by social institutions such as the family.

METHOD

DATA AND SAMPLES

For the analyses of the macro-trends regarding unestablished paternity, we use two data sets: (1) *All birth certificates for the entire country*. We focus on a data subset of approximately 250,000 births that occurred in 1996-1998⁴. The National Institute of Statistics and Censuses (INEC) provided the original data files. (2) *Data from the National Household Survey of Employment*. This survey was conducted by the INEC in July 1997 yielding information on approximately 14,000 children younger than 15 years old. In the (approximately) 10,000 households in this survey, we identified those children that did not have a father living in the household. The information available did not allow us to distinguish between biological fathers and stepfathers. Therefore, those children living with a stepfather are taken as living with a father⁵.

For the arguments on and assessment of unestablished paternity and child support payments, we draw on the Lone Mother Survey⁶ carried out 1997 and 1998. It defines lone mothers as "women not cohabiting with a partner and living with at least one child age 13 or younger". It was conducted in five different regions selected because of their cultural heterogeneity. These sites are urban, metropolitan San José, urban Cartago, Nicoya and Limón, and the rural area Talamanca with the indigenous group of Bribri women. This sample serves to enlighten the cultural and structural particularities regarding the patterns and assessment of unestablished paternity.

We use the information of 140 qualitative in-depth interviews⁷. The lack of background

³ According to the Costa Rican law system, an acknowledged child receives the father's family name.

⁴ In this subset, we analyse the probability of being an unacknowledged child with simple cross-tabulations and a multivariate logistic regression model.

⁵ We analyse the probability of being a child not living with a father with simple cross-tabulations and a multivariate logistic regression model.

⁶ This survey is an exploratory study aimed at studying the influence of the dynamics of culture and social-structure on the well-being and the situation of lone mothers with young children.

⁷ Immigrant women from Nicaragua are not represented.

information to construct valid sampling frames in all contexts made random sampling impossible, even though much time and effort were invested to achieve it. Where such information was available, random sampling procedures were applied. Where not, other sampling procedures were used. In order to avoid strong selection biases these were as neutral as possible with regard to the criteria for including women into the sample. The sample, strictly speaking therefore, constitutes a convenience sample. However, we are confident that it represents a broad spectrum of Costa Rican lone mothers. The overwhelming majority of the women contacted were willing to carry out the interview⁸. The first author of this paper and four female assistants carried out the interviews in 1997 and 1998 in the women's homes, located in various areas of Costa Rica. These locations as well as the sample and their particularities will be briefly described.

Urban metropolitan city: San José: Metropolitan areas like that of San José offer anonymous and diverse environments with various subcultural settings and possibilities for work. In metropolitan cities, the range of socio-economic conditions is larger and more subcultures co-exist than in rural towns or areas (Chant 1996). Furthermore, metropolitan environments offer labour opportunities, in particular to low-income women (Chant and Radcliffe 1992; Safa and Antrobus 1992; Ward 1985). They are attractive for a great variety of people, upper-class and lower-class, well educated and less educated, and people with very distinct ways of living, many of which could be violating social norms in smaller towns or urban areas (for example homosexuals, unmarried pregnant women or lone mothers, Morrissey 1989). The variety of subcultural contexts and opportunities allows various different solutions for issues such as child acknowledgment or child support arrangements. The proportion of births with unestablished paternity in the city of San José varies from 19% in the university district of Sabanilla to 48% in the working class district of Uruca (in the years 1996-98). The San José sample contains a total of 42 interviews: 30 lone mothers randomly sampled from middle and upper-class neighbourhoods in Tibas and Moravia and 12 lone mothers of low socio-economic status from Pavas (Budowski and Guzmán Stein 1998).

Provincial cities: Cartago belongs to the eldest cities in Costa Rica. The most famous and important Church in Costa Rica — the *Basilica de los Angeles* — contains the important patron saint of Costa Rica, *La Virgen de Los Angeles*. A nationwide pilgrimage takes place yearly to honour the Virgin and she plays a very important role in everyday individual and collective life (for example public honouring of the football team before a game or individual prayers to her for help). *Cartago* is a region dominated by descendents of the white, European settlers. Cartago was the Capital of the Province of Costa Rica in colonial times and up to Costa Rica's independence the administrative and political centre. It has remained the religious centre of the strong conservative Catholic Church. Peasants live in the mountainous region surrounding Cartago and farm on small properties (not *hacienda-size* properties as is common in Central and Latin America). Recently Cartago has established tax-free zones (*zona franca*) and attracted large *maquila* industries providing employment mainly for young, unmarried healthy women, attracting young women to the city and making it possible for them to be financially independent. However, pregnant women are not desired by the *maquila* industry (Bandarage 1997; Hernandez de Menjivar 1998, 217; McClenaghan 1997). The proportion of

⁸ Response rates from women contacted and belonging to the sample were 83% in Tibas and Moravia, 100% in Pavas, Cartago, Nicoya and Talamanca, and 95% in Limón.

unacknowledged births in the city is only 15% (in 1996-98). The sample in Cartago is random and contains 19 interviews with women who are not married (single, divorced, widowed) having given birth in the last 12 months in the urban neighbourhoods of Guadalupe and San Rafael de Oreamuno of Cartago. Not all these women are lone mothers however. A few of them live in a consensual union.

In *Nicoya*, attitudes towards non-marital births are very liberal, possibly as a consequence of the socio-economic situation of the region as well as the socio-cultural and economic background. In *Nicoya* indigenous populations were present before colonization. Since then the indigenous and other population groups have mixed. With colonization Catholicism came to *Nicoya*, but did not manage to establish a similar dominant order as in Cartago (González Ortega 1997). The region of *Nicoya* is strongly influenced by male out-migration to other regions of the country in search of employment and by male in-migration from Nicaragua for unpopular and heavy agricultural work, for example the harvest of sugar cane (Chant 1997a). Recently, tourism has become important in the coastal regions. As Chant (1998) points out, migration is interrelated with gender and types of household arrangements. For families (or consensual unions) migration means that the absent male leaves his family (temporarily), and that male support is probably more occasional than regular, leaving daily maintenance of the family to the woman. Migration not only signifies a strain for the women and children in an economic sense but also for the couple-relationship. Migration makes it more difficult for men to have control over their women's sexuality than in regions where the husband or cohabiting partner is present. Women from *Nicoya* are said to have an attitude of being able to fend for themselves and to be rather independent from their partners. This situation is favourable for a matrifocal family structure (Smith 1996). The proportion of unacknowledged births in the city of *Nicoya* is 29% in 1996-98. 40 interviews were carried out in *Nicoya*. 20 women are lone mothers from the predominantly low-class neighbourhood of San Martín, and were contacted with the help of a local doctor. 20 women who are not married and had given birth in the passed 12 months were randomly sampled by means of hospital records. They live in various neighbourhoods throughout the whole city of *Nicoya*. Among the 20 not married women some live in a consensual union.

Limón is the second largest city in Costa Rica. The majority of the population was Afro-Caribbean until recently. Male migrants (mainly Jamaicans) were permitted into the country in the last decades of the 19th century for the construction of the railway lines. Regular female immigration, however, became possible only after the establishment of the banana plantations at the turn of the century. The Afro-Caribbean population experienced discrimination within Costa Rica until the 1948 revolution when they were granted full citizenship and freedom of movement. *Limón*, therefore, was not closely tied to the rest of Costa Rica and developed rather autonomously until the beginning of the 1970s (Proyecto Estado de la Región 1999:90). This autonomous development is also due to the specific economy that emerged — the agro-export, banana enclave economy. The language distinguished *Limón* until 20 years ago: The majority spoke English. The Jamaican immigrants were comparatively well educated compared with other population groups from Costa Rica that migrated to *Limón* (Viales Hurtado 1998). *Limón* is characterized by the strong Afro-Caribbean influence: unacknowledged children were the norm rather than the exception and matrifocal family structures prevail (Smith 1996). The proportion of unacknowledged births in the city is 29% in 1996-98. The sample contains 20 interviews with Afro-American lone

mothers, some of whom were randomly sampled from the low and middle-class neighbourhoods Los Cocos, Barrio Quinto, Barrio Roosevelt and Pacuare.

The Bribri in Talamanca — an indigenous population with a social organization strongly contrasting national norms: In Talamanca there is no tradition of acknowledgement. It is a matrilinear system of clans that regulate marital behaviour and descent (Bozzoli de Wille 1967; Bozzoli de Wille 1979; Stone 1962). Monogamy is not a cultural imperative and sororal polygyny is accepted. Although the traditional regulations have lost much of their importance in daily life, they are not lost completely. Individual responsibility, autonomy, and respect towards each other are traditional ideals reflected in the mythology (Bozzoli de Wille 1979). Gender relationships are rather equal, due to the traditional matrilinear social organization and weak division of labour. Men and women perceive themselves able to perform almost all the tasks that the other sex does (Budowski 1984). Imposing laws (for example the necessity of child acknowledgement) does not necessarily change attitudes that are rooted in culture, gender-related behaviour or filiation concepts (such as paternity establishment in a matrilinear social organization). In such peripheral regions as Talamanca access to the authorities in charge of implementing national regulations (implementation of legal child support payments for example) is more difficult than in the other regions (such as urban environments). Legal child acknowledgement is thus a rather recent phenomenon in Talamanca. Legal child acknowledgement actually changes the existing filiation concept, implementing a male line of descent (a child taking the father's surname before the mother's) where formerly the female line of descent was prevalent. It is not therefore surprising that the region has a large number of children of legally unacknowledged children. The proportion of unacknowledged births in the district of Bratsi is 35% in 1996-98. This sample consists of interviews with 19 indigenous lone mothers from three rural communities: Suretka, Amubri and Mojoncito. The former two are communities with frequent contact with the non-indigenous population; Mojoncito is less accessible and a traditional community.

METHODS

The *macro trends* are analysed statistically by means of simple cross-tabulations and multivariate logistic regression models. A mixed-method approach (Tashakkori and Teddlie, 1998) using both qualitative and quantitative methods was applied for the data of the Lone Mother Survey. The in-depth interviews indicated that living arrangements are more complex and dynamic than a snapshot can capture at one point in time. A different procedure, therefore, was chosen when analysing the quantitative and qualitative data.

Quantitative analyses: When analysing the standardized data of the Lone Mother Survey we opted for a clear-cut definition of a lone mother regarding the criteria of living arrangement. We eliminated all diffuse or ambiguous cases. 113 women remain belonging to the clear-cut sample: 40 women from a total of 42 in San José, 15 from a total of 19 in Cartago, 23 from a total of 40 in Nicoya, 19 from a total of 20 in Limón and 16 from a total of 19 in Talamanca. The quantitative information is used for descriptive purposes only. A few tables are presented with information not available in Costa Rica about cohabitation-arrangements and child support.

Nationality is another key explanatory factor. Indeed, the proportion of births of Nicaraguan mothers in Costa Rica increased from 2% in 1983 to 11% in 1998 and those with unestablished paternity are much higher among Nicaraguan mothers than their Costa Rican counterparts. In fact, the proportion of births with unestablished paternity among Nicaraguan immigrants exploded from 25% in 1987 to 50% in 1996, probably because of a change in the composition of the immigrant population. However, an important rise—from 20% in 1985 to 25% in 1998—is also occurring among non-Nicaraguan mothers. As outlined earlier, these trends are part of broad and deep transformations taking place in the country in the areas of gender relations, family and nuptial arrangements, and procreation. Young mothers (under 18 years) were much more likely to have a birth with unestablished paternity than older mothers and first order births more likely than others.

However, not all unacknowledged children grow up without a father. According to the 1997 National Household Survey about 20% of children under 15 years do not live with a father or stepfather under the same roof. This figure is smaller than the percentage of births with unknown fathers (27% in recent years). It suggests that one-fifth of children with unestablished paternity live at least part of their childhood with a (step) father. Nevertheless, the majority of the unacknowledged children will experience life in a lone-mother family. In any case, these figures show a discrepancy between the legal status of a birth (acknowledgement by the father) and reality ((step) father present in the household), whatever consequences this has for the children¹⁰. Multivariate logistic regressions we carried out indicate that the chances of living without a (step) father are highest in San Jose, and lowest in the conservative areas.

Unsurprisingly, poverty appears to be one of the most important factors associated with absent fathers. This is due in part to reverse causation: Some of the households are under the poverty line because the father is absent. In any case, a low socio-economic status (i.e. the household head has a low level of education or is not in the formal labour sector) seems to be a factor influencing the probability of the child having an absent father.

Either as a consequence of the absence of a father or of another manifestation of the low socio-economic status of children with an absent father, a higher proportion of such children aged six or older, do not attend school: 27% compared to 22% among children who live with their father.

ATTITUDES TOWARDS PATERNITY ESTABLISHMENT AND CHILD SUPPORT

In this section we focus on cultural norms — traditions influencing marriage and kinship systems, living arrangements and gender roles — that are considered to be important for paternity establishment and child support. Cultural and socio-structural factors are indeed part of regional differences. Although we stress the cultural factors, we are aware, as the analyses of the national data suggests, that socio-structural factors are equally important (socio-economic status, education, attachment to the formal labour market, etc.).

¹⁰ The interpretation of whether living with a father (or stepfather) or having an absent father is favorable or not for the children remains open. In general, various opinions based on different norms and values are expressed in this discussion (for example Chant 1997a).

Qualitative analyses: The attitudes towards child acknowledgement and child support are varied and subjective. They are based on various situations of women's everyday life. The information on these issues is taken mainly from the in-depth interviews with the exception of the amount of financial payments. We include all 140 women taking into account that discourses are not necessarily restricted to a specific living situation. Moreover, many underlying diffuse values influence reasoning (Smith 1996). To understand arguments stemming from different cultural backgrounds, a broad perspective is helpful. Knowledge about exceptions is extremely valuable and highlights borders and rules of behaviour. Ambiguities and deviations from the margins of tolerated behaviour help understand and outline what constitutes the core, the norm, or the centre (Lamnek 1979; Leiris 1977; Marcus and Fischer 1986; Ortner 1984; Ortner 1996). Furthermore, not all children living in consensual union-families are acknowledged.

The qualitative data was processed in a systematic way: We recorded, transcribed, and preceded the interviews. The data was then analysed by HyperRESEARCH (Dupuis (no date)), a content analyses tool able to handle and code large quantities of data. The reports generated by HyperRESEARCH were systemised by means of Excel. This procedure provided a good overview of the main and most common statements and themes. Qualitative information was added to the SPSS data set to maximize the information and be able to link it to variables only available in the quantitative data.

RESULTS

THE NATIONAL BACKGROUND

Since about 1985 the proportion of births with unestablished paternity has been steadily increasing. They are increasingly the cause of the rise in non-marital births. The latter increased from 23% in 1960 to 38% in 1985 and to 49% in 1998. Almost all births registered with an "unknown father" occur outside marriage, but not all non-marital births are unacknowledged in legal terms. Actually about 42% of non-marital births are registered with a known father. This proportion has changed little over time. Therefore, we conclude that the increase in proportion of births with unestablished paternity comes entirely from an increase of unmarried women.

Other factors explaining or associated to the likelihood of a birth with unestablished paternity other than marital status or nationality were found to be: region, age, and possibly first order births⁹. A major explanatory factor is geography. Regional differences may be due to structural factors — rural or urban — they may reflect cultural traditions or preferences or they may be a combination of both. However, the macro data does not allow distinctions of this type. In conservative rural areas and small towns in the Central Valley, the, proportion of unknown fathers ranges between 14% (Cartago) and 20%. In the northwestern regions with a large number of Nicaraguan immigrants, this proportion is 40% or higher (48% in Liberia, 28% in the province of Nicoya). In urban areas, births with unestablished paternity are more frequent than in rural areas, particularly in metropolitan San José (32%).

⁹ This is a brief summary of the analyses of multivariate logistic regression models we carried out with the above mentioned data sets.

It may well be assumed that the chances of having children with unestablished paternity relates to mating behaviour, simply because women who have children from more than one partner are more likely to have an unacknowledged child. The 113 lone mothers have a mean of 1.6 fathers for their children and the mean varies considerably between the various samples: 1.2 in Cartago, 1.3 in San José to 2.1 in Talamanca¹¹.

We find various combinations of paternity establishment in lone-mother families according to the information furnished by the respondents. 43% of all lone mothers say all their children are acknowledged by their "biological" father, although children with the same mother may have different fathers. 34% have no child acknowledged and 23% have acknowledged children together with unacknowledged or children acknowledged by a "social father". 7% of all women told us that at least a "social father" acknowledged one of their children. Having a different situation for each child with regard to paternity establishment appears to be a rather frequent situation among lone mothers.

Paternity establishment is a crucial step for claiming child support legally. It symbolizes a formal establishment of the man's relationship towards the child from which it is difficult to withdraw.

Reasons for unestablished paternity: The women explained why their children were not legally acknowledged by their father. These explanations were classified into five main streams of argument with some women mentioning more than one. The arguments for unestablished paternity are listed in Table 1. The main categories are: (1) the woman does not want her child to be acknowledged; (2) the woman has either become a victim as a result of desertion or her partner's alcoholism, or she has been a victim of aggression, or she fears that her child will be taken away from her; (3) the child's father does not want to acknowledge the child; (4) other persons are against child acknowledgement (social control); and (5) other reasons. The reasons behind the arguments are not necessarily the same across the five different cultural sites and socio-structural positions. The explanations in the first category of argument "woman does not want acknowledgement", for example, might refer to the possibility of keeping the situation open at present in order to be able to establish a "normal" two-parent family with another partner sometime in the future. Thus all the children would have the same family name, if the new partner acknowledges the presently unacknowledged child. Alternatively they might refer to the avoidance of a legal connection to a man who has the right to interfere in situations that affect the mother's life (such as wanting to leave the country with the common child). Accordingly, the explanations given do not reflect facts, but perceptions of the women's personal situation within a given socio-cultural context. As the in-depth interviews reveal with regard to this category, women from the Capital make use of feminist thoughts when describing why their child is not acknowledged, whereas Indigenous women from Talamanca refer to their traditional way of life, paternity establishment being a minor issue. The arguments reflect the desire to fit into socio-cultural contexts without excessive discrimination.

Woman does not want acknowledgement (argument 1 in Table 1): The most frequent

¹¹ The analyses is based on the quantitative information from the 113 women who accord to the clear-cut definition of lone mother.

single argument is that the woman does not want to establish paternity, either because she wants to be independent, that it is not important to her, or that an opportunity was missed and not insisted on. A woman can also desert a man and leave, so that the child's father cannot find her anymore. These arguments relate to the feminist reasoning prevalent in the public discourses. They also relate to the greater importance of independence and the opportunity to shape one's life individually, less influenced by traditional norms (in the Catholic sense). In San José these arguments are most common among the better educated and middle-class women who have found a way to manage alone with their children. In Limón, although the arguments are in line with the "feminist" ones, they are also consistent with the prevalent cultural influences, in particular the matrifocal household structure and Afro-Caribbean background. In Limon, women have experienced fending for themselves and have had examples from other women. Women from Talamanca clearly express traditional notions.

Woman as victim (argument 2 in Table 1): "Men desert the women" (Fauné, 1995: 83) is a frequent argument in the public discourse. In the words of the women, however, this is not one of the most frequent formulations. In fact, desertion was mentioned so few times that the argument was included with others, such as that the father is a drug addict, an alcoholic or that the children are from an incestuous relationship. These situations are all characterized by emotionally laden, often traumatic situations, over which the women themselves have little means of control. However, *women are* nevertheless often *victims* in other ways: Women fear the child's father's aggression, his violence, or are threatened by him, or they fear that he may prefer to take the child rather than pay child support. Putting all the single reasons together, the category *woman as victim* (from the perspective of the women) is the most frequent. It accounts for more than one third of the total arguments put forward (which is in line with the arguments in the majority of the public discourses, except in the case of desertion only). Without wanting to understate women's situations as victims, we would nevertheless like to point to the arguments of the women from the conservative Catholic city Cartago. Being a victim is one way of rendering the stigmatised situation of being a lone mother (in Cartago often in tandem with a teenage pregnancy) tolerable; it was put forth twice as often as in other research sites. Thus, it appears that the liberal argument of the woman as victim is quite strong among all women, and closest to the Catholic discourse in Cartago. This coincides with the result that in Cartago not one woman mentioned that she tries or has tried legally to achieve paternity establishment for her child. Moreover, the efforts of the women from Cartago are directed either towards paternity establishment at a later point in time (when it appears reasonable to the family that they set up a household), or at being incorporated into the family of origin (as the arguments 4 and 5 suggest).

Child's father does not want acknowledgement (argument 3 in Table 1): Apparently, many women manage to discuss the issue with the child's father. One in five arguments refers to women stating that the child's father does not want acknowledgement. Of course, this argument implies desertion of responsibilities to a certain extent, but the women describe their situation differently and construct their reality differently from the way it is seen by others. In contrast to being deserted, the women's formulation of the fact that the child's father does not want paternity established implies a certain degree of influence over the situation. This appears to be the case almost twice as frequently in Nicoya (with a liberal

TABLE 1

Reasons given by women as to why their children are not acknowledged

	All	San José	Cartago	Nicoya	Limón	Talamanca
Total n	140	42	19	40	20	19
Percent of women responding	49%	38%	47%	50%	45%	75%
Number of different reasons coded	16	10	6	10	7	6
Total mentioned reasons	n=84	n=16	n=14	n=21	n=13	n=20
	100%	100%	100%	100%	100%	100%
1. Woman does not want acknowledgement	29	29	14	19	46	40
Woman does not want acknowledgement (independence argument); woman didn't think of it (no importance); opportunity passed (no importance); desertion (woman hides from or makes herself unavailable for child's father)						
2. Woman as victim, various reasons	31	29	58	28	30	10
Desertion (child's father disappears); drug addict or alcoholic; violation or incest; in jail	17	19	29	14	15	5
Woman is scared of child's father: he threatens to take child away; he is violent and aggressive	14	10	29	14	15	5
3. Child's father does not want acknowledgement	19	24	0	38	15	20
Woman would like it; woman makes legal effort towards acknowledgement						
4. Social control or norms	8	10	14	0	0	15
Woman's parents against acknowledgement; child's father's or parents against it; child's father is married						
5. Other reasons	14	10	14	15	8	15
Woman had an short term relationship	5	5	0	5	0	10
Woman and child's father have planned to acknowledge	5	0	14	10	0	0
Other reasons (death, etc..)	4	5	0	0	8	5

Source : Lone Mother Survey 1997/98

Catholic background and matrifocal household structures) than in the other sites of research. With these explanations, women are within the liberal discourse, attributing part of the responsibility for the children to the man, regardless of whether he is willing or not. As Table 1 shows, no woman from Cartago referred to this strand of argument.

Social control (argument 4 in Table 1): The element of social control and social norms in the sense that other persons actively interfere in the decision process of acknowledgement is mentioned infrequently. Only eight per cent of all reasons relate to this issue. It is most often mentioned in those areas where strong family ties prevail, in Talamanca, among the Indigenous women who often manage on their own as part of their tradition, in conservative Catholic oriented Cartago, as well as the more Catholic oriented families in San José (upper class). In Talamanca, it was the women's mother who advised them to manage on their own, whereas in Cartago and San José the women referred to their fathers who decided it would be best if they came up for the child and the woman's mother brought it up.

We conclude that from the women's point of view, the fact that a child of theirs is not acknowledged by its father is most frequently due to men's — either passive or active — unwillingness. The second most frequently given reason is that women do not want the child's fathers to interfere in their lives and the lives of their children, at least not through legally binding measures. The results suggest that the women's arguments must be seen within their socio-cultural context. In San José the distribution of the "feminist, individual", the "catholic-oriented" and the "liberal" strands of arguments (arguments 1, 2 and 3) are about equally frequent. In the other research sites one or the other argument is more strongly represented. The arguments within the public discourses are perceived and applied in different ways by the women in different socio-cultural situations.

CHILD SUPPORT PAYMENTS

The public discussion about paternity establishment is in part motivated by the concern of women with unacknowledged children mainly among the (financially) poor, a fact found in the quantitative analyses presented earlier. However, there is almost no information available on child support payments, either in terms of incidence, amount or on different types of co-existing child support arrangements (Chant, 1997a:18). The qualitative data thus offers an initial insight into the child support arrangements made among women with young children living without a partner.

38% of the women receive no payments whatsoever from the father of their children (see Table 2); 42% receive voluntary payments (in some cases in addition to legally established child support payments). 24% of the women receive officially determined child support payments for at least one child. Voluntary support is a very broad category. It might mean receiving 2000 colones (approx. 8 US\$) whenever the child's father feels like passing by, or it might mean that the child's father is willing to pay for almost all the expenses the woman asks him to pay. The socio-cultural situation also appears to have its influence on the patterns of child support payments according to research sites.

What reasons do the women give to explain this situation? Acknowledgement might be

TABLE 2

Receipt of Child Support

	All	San José	Cartago	Nicoya	Limón	Talamancá
Total n	140	42	19	40	20	19
Total mentioned types of child support	n=165 100%	n=53 100%	n=22 100%	n=49 100%	n=20 100%	n=21 100%
1. Legal child support payments for atleast one child	24	28	23	29	10	5
2. Voluntary child support payments.	42	36	59	37	30	38
3. No child support payments at all	38	34	18	25	60	57
4. Unknown	4	2	0	10	0	0

Source : Lone Mother Survey 1977/98

one reason not to be able to claim child support payments, but many acknowledged children do not receive them either. Approximately one fifth of the total of 140 women (31 women, 22%) undertook efforts to claim child support payments officially, not all these efforts being successful.

Whether women attempt to obtain child support also depends upon whether they want it or not. The 113 single reasons and arguments mentioned were classified into four main categories: (1) father's obligation; (2) social control; (3) not interested in legal child support; and (4) deals made with the child's father.

Father's obligation: These explanations relate to the liberal discourse as child support payments are regarded to be, at least to some extent, a father's obligation. Approximately 40% of the reasons refer to this: Some women regard the father's obligation as a matter of principle, others as an obligation when the burden of maintaining the children becomes too much for the women themselves (autonomy argument). Another group of reasons refers to wanting child support but regarding the procedure as being either too costly to realize or not worthwhile because the child's father does not work or has too little income. The group of women who have almost no chance of obtaining child support often perceive child support payments as men's obligation as well; they were deserted and feel deserted (whether deserted in the literal sense or that the child's father is in jail, on drugs, an alcoholic, or had died).

Influence of others, social control: This category contains 23% of all the reasons given. In these cases, child support payments are not received for a variety of reasons: (1) because the women's parents took over the costs and did not want the child's father to interfere; (2) because the child's father is married and has other obligations (either as a mark of respect for the man or due to a sense of having no right to claim child support payments) or (3) because child support is not wanted because of the child's father's interference (aggression, violence, claim of child, claim of women's sexuality). Most of the mentioned reasons are in line with the discourse influenced by conservative Catholicism. Only some of the reasons referring to the fact that the child's father is married contains, in some cases, a more autonomous perception and independence to choose (when "respect towards the father of the child" is mentioned, for example).

Not interested in legal child support: Reasons were classified to this category when women made conscious decisions to renounce legal child support rather than as a result of intimidation. Remarkable 23% of the women state that they do not want (legal) child support payments, either because they don't need it or because they will only accept it as a gesture of responsibility and concern of the child's father for his children, not due to legal obligation. These reasons develop, on the one hand, out of concern for the children's well-being vis-à-vis their father and on the other from a perspective of autonomy and independence. This category may be considered inscribed in the feminist and the poverty and welfare discourses. However, it is again interesting to note that these types of argument are distributed very unevenly across the five research sites, being most salient in Limón among the Afro-Caribbean women.

Deals made with the child's father. In 10% of the cases women explain non-receipt of

TABLE 3

Reasons given by women for lack of child support payments (regardless of whether child is acknowledged or not)

	All	San José	Cartago	Nicoya	Limón	Talamancas
Total n	140	42	19	40	20	19
Percent of women responding	70%	79%	42%	63%	95%	85%
Number of different reasons coded	14	11	5	9	8	9
Total mentioned reasons	n=124	n=40	n=13	n=27	n=24	n=20
	100%	100%	100%	100%	100%	100%
1. Father obligation	44	60	23	62	12	45
It is child's father's obligation to pay; if it is too much for the women, it becomes child's father's obligation to pay.	27	40	0	48	4	20
Procedure too costly; child's father has too little money, not worthwhile carrying out the procedure.	6	5	0	7	8	10
Other reasons : desertion, adventure, drugs, jail, abuse, death	11	15	23	7	0	15
2. Social control, influence from others	23	13	69	30	21	10
No child support necessary or wanted as woman's parents take over the costs; no pension is wanted because child's father is married or has other obligations (acknowledged children)	13	10	54	15	4	0
Woman scared of pension, because child's father claims relationship to her or wants child	10	3	15	15	17	10
3. Deals made with child's father	10	13	0	4	17	10
No child support as part of a deal with the child's father (to obtain divorce, child lives with it's father instead of support payments)						
4. Not interested in legal child support	23	15	8	4	50	35

Source : Lone Mother Survey 1997-98

child support payments as a result of deals made with the child's father. Such deals contain trade-offs. One example: In order to obtain divorce, the woman renounces the child support payments. Or, parents may agree to share responsibility for a child (for example, when it is young, the child lives with the mother, and when it goes to secondary school, it lives with the father), so each party takes on his or her share of the child's education and costs. Such arrangements again appear to indicate a more feminist and autonomous approach or at the very least, individual ways of sorting out child support payments.

We conclude that the majority of lone mothers consider it an obligation of the child's father to take over part of the responsibility of raising a child, which is in line with the public discussions calling for greater responsibility of men towards their children regardless of discourse. The qualitative data confirms that it is not easy for many women to go through the legal procedures to achieve child acknowledgement or to claim child support payments. Other people have influence on child support arrangements in about one quarter of the cases. We find a fair number of women wanting to have children on their own without putting legal pressure on the child's father, often emphasizing that child support does not replace a personal relationship between the child and its father, and that it is the latter that counts.

HOW MANY WOMEN RECEIVE REGULAR CHILD SUPPORT PAYMENTS AND HOW MUCH?

38% of 113 women received regular child support payments in money, either officially or via voluntary payments. These payments, however, may be for one child only or for more than one. Many women could not actually quantify the support they were receiving regularly. In some cases they receive part of the child support payments in-kind, for example the fees for a private school are paid; clothes, shoes or school utensils are bought; sometimes all the food is brought to the woman. These in-kind payments — unless the woman herself (in the qualitative in-depth interview) calculated them — are not included in the figures presented in Table 6. The data for the financial child support payments stems from the quantitative data collected by the Lone Mother Survey, including supplementary information from the qualitative in-depth interviews. The figures, thus, represent a lower estimate. The amount of

TABLE 4

Child support payments in Colones (1 US\$ is approximately 250 Colones)

Sample	Total n	Respondent s as % of total n	Mean	Minimum	Maximum
San José	40	45	38339	500	114000
Cartago	15	33	17000	7000	30000
Nicoya	23	48	10682	5000	20000
Limón	19	37	21571	600	60000
Talamanca	16	13	17500	15000	20000
Total	113	38	25084	500	114000

Source: Lone Mother Survey 1997/98

regular child support payments, voluntary or official, goes from 500 colones to 114,000 per month (US\$2 to \$440).

SUMMARY AND DISCUSSION

SUMMARY

This paper was motivated by a rather ideological debate about the increase of children without legally established paternity lacking an empirical base. The facts triggering the concerns are: The increase in unacknowledged births that is strongly related to the increase in non-marital births in Costa Rica which amounted to 49% in 1998, as well as to the rise in women-headed families among which lone mothers constitute a large part. The proportion of births with unestablished paternity accounts for more than one quarter (28%) of the children in the same year. What are the reasons for concern? We distinguished four types of discourse regarding changes in gender roles, poverty, morale, or/and the economic and psychosocial well-being of women and children. Each discourse favours other types of interventions or social policy measures. Our aim was to enhance the empirical base of the discourse by presenting a macro-level analysis of official data identifying possible explanatory factors and a micro-level analysis of the women's views. If policy measures are to be efficient and lead towards a more equitable society in Costa Rica much can be learned from the grass-root view. Possible disadvantages lone mothers and their children face in society, and their needs only become visible if their perceptions of their situations are taken into account.

Paternity establishment in Costa Rica is strongly influenced by regional differences. Among individual factors are nationality, age, birth order, and social and marital status. Children of young mothers (age 18 and younger) are more likely to be unacknowledged than from elder mothers. Almost all births registered with an "unknown father" occur outside marriage, but not all non-marital births are from a father registered as unknown. The proportion of non-marital births that are legally acknowledged has changed little over time. The macro data suggests that the rise in births with unestablished paternity comes from a rise in the number of non-married women and a change in the population structure of Nicaraguan immigrants.

Qualitative information from in-depth interviews with lone (Costa Rican) mothers reveals that a majority — at least half of all women — formulate the active or passive desertion or abandonment of responsibilities by the father of their child as the reason for unestablished paternity. In some cases, parents or in-laws interfere in the process of acknowledgement. Approximately one quarter of the women do not want legal acknowledgement. Almost every second lone mother considers child support or contribution in kind for the child's well-being, an obligation for the child's father. One quarter of the women, however, is not interested in legal child support arrangements. Every fourth lone mother received official support payments for at least one child, two in five received voluntary child support, and one third received no child support at all. Many payments are made in kind; 38% of women receive at least part of the child support in money. Most women claiming officially for child support are among the better-educated women. Many attempts to gain child support were not successful.

These reasons for unestablished paternity and for child support payments are not distributed evenly among the different cultural settings. This suggests that women handle and explain their situation according to norms and values prevailing in their socio-cultural context. The norms and values within the public discourses are reflected within the women's description of their situation, however, women appear to either make use of those arguments most closely related to their socio-cultural situation or indeed, simply argue from their cultural background to begin with. We conclude that child acknowledgement has a different significance for women in different contexts, although a majority would prefer or want their children to be acknowledged and consider it an obligation for a father to contribute to his child's well-being.

DISCUSSION

Taking into account that in the last few years nearly half of all births in Costa Rica are from unmarried women, the large numbers of births with unestablished paternity do not come as a surprise. By the same token, it is equally unsurprising that a large number of Costa Rican children do not receive any kind of child support from the father. This situation is surely disadvantageous both for the women who are at greater risk of (economic) poverty and for society as a whole, if what is desired is a more egalitarian and just development (Proyecto Estado de la Nación, 1997: 33).

Apart from the more moralistic concern about the decline of family values within the public discourse—an issue seldom referred to by the women themselves—is the concern about the consequences of unestablished paternity on the economic well-being of the women and children. Child support payments are one means of improving the economic situation. However, there is almost no information about child support payments on a macro-level. Court statistics show that in 1997 there were about 36,000 men paying child support under a court order. This figure means that little more than 20% of households with children not living with a (step) father (as estimated from the 1997 Household Survey) are receiving court ordered child support (*pension alimentaria*). However, the exploratory data reveals that court orders do not guarantee payments. Some women in Costa Rica receive voluntary support but we don't really know how many. The results of the exploratory Lone Mother Survey suggest that about one to two of every five women probably receive voluntary child support. This support can be almost nothing or substantially contribute to the lone mother's existence. What is legally clear is that women with a child registered as having an "unknown father" are not entitled to claim child support. If the father does not acknowledge the child voluntarily, the mother of the child had only the option of taking him to court for "paternity" litigation (*juicio de paternidad*), which is a long-term and expensive procedure. The smallest procedural mistake could nullify the litigation¹². In practical terms, it was almost impossible for women in disadvantaged socio-economic conditions to obtain child support in court if the child was registered as of "unknown father" at birth. In addition to this, the legal situation, until recently, favoured the child's father's point of view: An unmarried woman's statement was not sufficient for the civil registry to identify the father. Consequently, unless the father himself appeared and signed the registration form, the child was registered as having an unknown father. Clearly, this was a gender biased registration system.

¹² Since March 2001, the new Law Nr. 8101 has opened up an administrative procedure for paternity acknowledgement.

What could be done to counteract these trends? Our findings suggest that all the situations experienced and the reasons given concerning unestablished paternity and child support exist throughout Costa Rica, but that their frequencies vary. Apart from different prevailing cultural norms and values, others factors related to paternity establishment and child support arrangements are education and social status. Women thus experienced unequal (gendered and socio-economic) chances of establishing paternity and carried the consequences alone. Apart from this, the legal system, as it was until March, 2001, apparently did not provide adequate incentive for women in all situations to want their children to be acknowledged or to claim child support. The new Law Nr. 8101 in rule from March 26, 2001 onwards concerning paternity establishment aims at improving certain shortcomings regarding the unequal gendered and socio-economic opportunities. It introduced various changes in favour of compelling men to live up to their obligations of acknowledging their children. One main feature is that a man cannot block a woman in her attempts to clarify paternity, and in doing so, avoid paternity establishment simply by not appearing before the authorities when cited. This absence may now be interpreted administratively as tacit acceptance of paternity. One session before the administrative authorities is available free of cost for the child, the child's mother and presumed father in order to clarify paternity, if necessary with ADN-tests. This administrative decision with all its consequences can be changed only by means of a legal procedure. The legal influence of the child's father (*patria potestad*) on the women's living arrangements proved to be a barrier to paternity establishment from the women's perspective, in particular the automatic acknowledgement of the *patria potestad* even if paternity was established against the man's will. Under the new Law, if paternity (or maternity for that matter) is established by an administrative or legal decision, the parent having negated paternity (or maternity) is excluded from the *patria potestad*. To what extent women will make use of this new law, in the light of the various other reasons why paternity was not established, remains to be investigated in future.

Many arguments in favour of unestablished paternity or of unclaimed child support stem from an accumulation and mixing-up of roles within the family, that were not addressed within the new law. For example within a family, the woman is the child's mother, the caregiver, the housekeeper, and her husband's sexual partner. In the case of family disruption, the roles must be disentangled. The roles remaining are those between parent and child. This redefining and disentangling of the roles appears to be a major reason why women prefer to eliminate all familial roles *vis-à-vis* the father of their child. In doing so, they need not be confronted with the child's father anymore (for reasons such as violence or aggression). The findings also illustrate the unfavourable association of acknowledgement and descent (*dar el apellid*) for unmarried women leading to even greater stigma in certain contexts, in particular if they have children with more than one partner. These barriers for paternity establishment remain unsolved.

If the situation regarding paternity establishment is improved, a number of women, who are now dependent on the child's father's goodwill, will be better equipped to claim child support, although they need not do so. The same reasons mentioned above remain as to why child support is not claimed even if the child is acknowledged. The situation concerning child support, however, must be improved for those women who want or need it or who have made a claim but receive nothing. The first step has been taken towards changes in the law concerning paternity establishment.

These findings lead us to identify the following areas worthy of reflection for the elaboration of measures to improve the situation, some of which have found entry into the formulation of the Law Nr. 8101:

(1) *Identification and elimination of gender bias in the prevalent legal and registration system.* A women's statement identifying the father of her child should be valid (and if the man does not agree with this, he should be the one that needs to provide proof against the claim). The new Law has indeed improved this area of problems. Children should also have the right to claim acknowledgement from their — informally or unknown — father, should their mother (for whatever reason) not have done so. Registration officers should become active in providing support to enhance child acknowledgement where required. This may begin to happen in near future, given the improved situation enabled by the new Law.

(2) *Rethinking the premises of the prevalent legal system.* Worthy of consideration, is a shift in basic premises underlying legal measures, such as, a replacement of the traditional family in its ideologically dominant form — father, mother, child —, its specific gender role images and division of labour as an important social institution with the notion of individuals as the important units of reference. This shift of premise would break with the traditional accumulation of roles within the family, enhance individual rights, responsibilities, and obligations, and correspond better to the changing situation of women entering the labour market. Fortunately the new Law has revised the concept of shared legal responsibility (*patria potestad*) under all circumstances, as women in the former situation often felt hampered in their attempts to improve their existence because of intervention by the child's father (regardless of whether these were in the child's benefit or not).

(3) *Rethinking the premises concerning the concept of acknowledgement: detachment of the concept of acknowledgement from that of descent.* In some circumstances, the surname proves to be a barrier to acknowledgement. The question arises as to whether in fact, in all circumstances of acknowledgement, the rule of using the fathers surname is adequate, regardless of how legal custody is distributed among the parents. The choice for the woman's surname only should become an option considered viable and socially less discriminatory towards women.

(4) *Reconsideration of the legislation of birth control measures,* might be one step necessary to counteract the increase in teenage pregnancy, by offering access to birth control for teenagers, and legislation concerning sterilization and abortion. Although a national program for sexual education "Construyendo Oportunidades y Amor Joven" (Constructing Opportunities and Young Love) is currently emphasizing sex education for girls and teenage mothers, to our knowledge nothing has been undertaken on a legal level to change the situation.

(5) *Considering making child support a public issue:* If child support is a legal entitlement and considered important, the state could take on a more active role. In the case of necessity it could be a state entity (for example the PANI) instead of the woman that negotiates with the child's father to obtain regular child support payments. Indeed, the PANI is involved in many mediating activities already. If child support is a public priority, this state entity could, upon

request, pay a minimum of this legally entitled child support in advance to the women and pursue the child's father for repayment. This state entity would function as an intermediary between debtor (in general the child's father) and creditor (in general the child's mother), with the risk of child support becoming a public rather than a private issue. The new Law does not go as far as these considerations, but it does permit the imposition of an embargo on the debtor (child's father) to ensure the benefits of the creditors (mother and child). Needless to say, this is easier to do when a formal rather than an informal attachment to the labour market exists, and when some income is available rather than none at all. But, according to the evidence provided by the women, it is a step in the right direction.

(6) *Promoting gender equity and citizenship*: The hope for gender equity is all-encompassing (Budowski and Guzmán Stein submitted), focusing also on equal respect between men and women. Such respect is considered a human rights issue (Budowski 2000) and as a consequence should lead to better communication and shared responsibility between men and women and less violent relationships. This more global goal is indeed envisioned by means of various social and political programs being carried out in Costa Rica in particular since 1994.

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