

SUMMARY

Between 1909 and 1929, the Nordic countries enacted Marriage Acts that modernised the institution of marriage, enhanced women's individual rights and ended the husband's legal power over his wife. The *formation of marriage* was reformed: the marital age was raised and several new medical impediments were introduced. Secondly, *divorce* was liberalised and the no-fault principle accepted. Thirdly, *gender equality* emerged in the Nordic countries earlier than elsewhere in Europe. This volume discusses the emergence and characteristics of the *Nordic Model of Marriage*.

The preparation of a draft law by the Scandinavian Family Law Committee (resulting in two reports in 1913 and 1918) and legislative processes in each country demonstrate that there was large unanimity and political consensus on the preferred model. The women's movement was active in the law-making process whereas in none of the countries was the Church any longer opposed to the reforms as such. The Nordic marriage model was an answer to modernity but it also had its obvious *historical roots*. The Protestant Reformation had already opened up the way for divorces, and during the nineteenth century a very liberal divorce practice developed. Continuity can also be seen in the productive role of women in the agrarian household and in the maintenance of the family.

The regulations concerning the *minimum age of marriage* for women signalled that the woman should also be an independent individual when entering into marriage. The marital law reform also generated a broad debate on eugenics: several diseases were listed in the laws as *marriage*

impediments. Eugenic thinking was adopted as the point of departure in the marriage law in order to prevent marriages that could cause degeneration. The marital law reform signified the first phase of welfare legislation aiming at the improved health of the population.

Another important aspect of the reform was the *liberalisation of divorce*. The Norwegian Divorce Act of 1909, based on no-fault principle, laid the basis for the Nordic reform. The law was built on a two-way system in Denmark and Norway: divorce following a separation order or directly by a court decision, in Sweden and Finland by court decision only. Divorce could be obtained by mutual consent or on grounds of incompatibility or fault.

A third aspect of the reform was *the equality of husband and wife*. Husband and wife were legally independent and *formally equal owners* of their own property during marriage, but at the dissolution of marriage, their assets were divided into two equal parts (deferred community) unless otherwise agreed in a marriage settlement. The spouses were *jointly responsible for family maintenance*. This can be called a modified dual-breadwinner model. The law aimed at establishing the ideal of marriage in which both spouses are responsible and independent individuals who also must co-operate for the benefit of the whole family. Women were given legal support in their roles as housewives in order to enhance their economic security and individual freedom.

In a comparative European perspective, we can clearly see the contours of a *specific Nordic marriage model*. *The state made inroads into the families* in order to increase marriage and nativity rates and to contribute to a population of better quality by imposing medical marriage impediments. Scientific knowledge, social engineering and equality were widely accepted as the framework of law. The state became an instrument of reform for the benefit of the individuals and it took responsibility for both the individual and the common welfare.