Farewell to the Family as We Know it: Family Policy Change in Germany

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Abstract
German unification merged two contrasting family models: the East German dual-worker model and the West German male breadwinner model. Since 2002, Germany has been essentially changing directions towards a third model called "sustainable family policy". The new policy model conceives of children as society's future assets, seeks to encourage childbearing by supporting parents to be workers and attempts to reduce families' poverty by boosting mothers' employment. By increasing childcare facilities also of very small children and by developing early childhood education politicians claim to invest in children, make up for social inequalities and generate "sustainable" human capital. The ongoing family policy change seems at odds with mainstream judgments on reform incapability of the German welfare state, path dependence and related policy feedbacks. We still lack a comprehensive explanatory framework which systematically relates the many factors that contributed to the surprising farewell to homebound mothering and, more generally, the emergence of sustainable family policies in Germany. This essay points to factors like older policy legacies, unification, or new cultural constellations that may have colluded to open the windows of opportunity for politicians and policy-related experts to initiate reforms.

Zusammenfassung
Im Vereinigungsprozess trafen zwei sehr unterschiedliche Familienpolitikmodelle aufeinander: das Zwei-Werktätigen-Modell der DDR und das westdeutsche Ernährermodell. Seit 2002 folgt die deutsche Familienpolitik einem dritten Modell, dem einer „nachhaltigen Familienpolitik". Diese betrachtet Kinder als Vermögen der Gesellschaft und versucht daher junge Erwachsene zum Kinderhaben zu ermutigen, indem Eltern geholfen wird, erwerbstätig zu sein; die mütterliche Erwerbsarbeit soll zugleich helfen, Kinderarmut zu vermeiden. Die neue Familienpolitik beansprucht sozialinvestiv zu sein, Ungleichheit abzubauen und nachhaltig Humankapital zu generieren, weil sie Möglichkeiten außerhäuslicher Betreuung vermehren und auf frühkindliche Bildung setzen will. Dieser Wandel in der Logik

deutsche Familienpolitik widerspricht gängigen Annahmen einer Reformunfähigkeit des deutschen Wohlfahrtsstaats, seiner Pfadabhängigkeit und Lähmung durch policy feedbacks. Noch besitzen wir keinen systematischen Ansatz, der einen Pfadwechsel in der Familienpolitik erklären könnte. Dieser Beitrag verweist auf einige Erklärungsfaktoren, z.B. ältere, unterlegene Ideen im Politikerbe, auf die deutsche Einheit oder neue kulturelle Konstellationen, die mit dazu beigetragen haben, dass sich Politikern und politiknahen Experten ein Gelegenheitsfenster für die Initiierung von Reformen öffnete.

1 Introduction

German unification merged two contrasting family models: the East German dual-worker model and the West German male breadwinner model. While socialist East Germany expected both mothers and fathers to work full-time, West German social policies were based on ideas of different but equal and complementary gender roles fostering the idea of male breadwinning and female home-based care for smaller children. East Germany had employed measures to increase the fertility rate and supported having children. In contrast, pre-unification Social Democrats, feminists and the Greens had for long strictly resisted any family policy that could have been interpreted as "pro-natalist", while Christian Democrats, albeit troubled by the declining West German birth rate (since the 1970s among the lowest in the Western world), had pursued family policies that explicitly followed the line "neither NAZI nor GDR". In the course of unification—after the wall had come down in 1989—West German ideas and institutions were transferred to the East, including those which supported breadwinner marriages and part-time or non-employment of pre-school children's mothers. East German mothers' employment has remained higher than that of West German ones, yet, part-time employment and also non-employment of smaller children's mothers have been rising despite the plenty of public day care in the East (Ostner et al. 2004). Some analysts speak of a "re-traditionalization" of East German gender relations (BMFSFJ 2006). Family size shrank in post-unification East

Germany, although childlessness is still significantly lower than in the West (Kreyenfeld and Konietzka 2007).

Since 2002, Germany has been essentially changing directions towards a third model cunningly dubbed "sustainable" family policy (Nachhaltige Familienpolitik) by policy-related experts (Rürup and Gruescu 2003). Previously, "sustainability" was only used in relation to "green" (environmental) issues, which up to the present have scored high on the (West) German people's agenda. In the meantime, proposals for new family policy measures have been issued and step by step put into force under the familiar heading of "sustainability". The new policy model conceives of children as society's future assets, seeks to encourage childbearing by supporting parents to be workers and attempts to reduce families' poverty by boosting mothers' employment. By increasing childcare facilities also of very small children, by developing "Sure Start" measures for children and families at risks and, generally, early childhood education (giving services rather than cash to families) sustainable family policy claims to invest in children, make up for social inequalities and generate correspondingly "sustainable" human capital. Promoting mothers' continuous employment and, more generally, the "dual-earner family" by "de-familializing families" and "(re)commodifying" mothers is said to add to children's resources and additionally raise birth-rates. Sustainable family policies appear to particularly tap resources of women and their (potential) offspring and, simply put, have turned into labor market policies. Once fully put into practice they will have altered the German family policy logic quite remarkably and also surprisingly, especially, the previous West German one which can be summarized as marriage-based "maternalism" (see Orloff 2006 for the recent use of the concept).

The new model appears to owe a lot to the activation paradigm developed in A Caring World (1999) by Willem Adema und Mark Pearson from the OECD: "The new social policy agenda is how to achieve social solidarity through enabling individuals and families to support themselves..." (ibid.: 4); also to the "child-centered social investment strategy" publicized by sociologist and EU policy-adviser Esping-Andersen in Why we need a New

Welfare State (2002). New research exists on the active roles and moral authority of the OECD and the EU Directorate for Employment, Labor and Social Affairs (DELSA) in framing the work/family reconciliation agenda respectively the need for early childhood education (Mahon 2006) (Both agendas are also cornerstones of the recent German family policy reshuffle). In her study of the evolution of the OECD reconciliation agenda Mahon argues that the advice of the OECD as "a key source of economic, and more recently, social policy analysis and prescription" becomes "especially important in situations (…), when states are involved in a process of >unlearning< old policies (maternalism) and learning new ones (reconciliation)" (ibid.: 179). While nation states remain important loci of policy learning and contestation, Mahon claims that supra- and international organizations and transnational advocacy networks have been imperatively contributing to national policy learning processes, also in the field of family policies.

In contrast to employment, competition or financing, the "transnationalization" of German family policy has not been studied so far. Yet, the impact of OECD and EU blueprints for family policies should not be overestimated. While Germany pursues the overarching goals of the OECD and EU activation paradigm by respectively streamlining its family policy model, sustainable family policy instruments deviate significantly from OECD recommendations (e.g. in their refusal of "cash for care" policies). Moreover, if we follow Falkner et al. (2005) who distinguished three worlds of compliance with EU soft social legislation, e.g. in the field of employment, and consider that Germany has hitherto largely belonged to either the "world of neglect" or the "world of domestic politics" when it came to complying, any falling in line with the even "softer" family policy field cannot be easily assumed, and when it occurs warrants detailed explanation.

At first sight, the ongoing family policy change seems at odds with mainstream judgments on reform (in)capabilities of the German welfare state: being most in need of reform but least able to change mostly as a consequence of path dependence and related policy feedbacks (Esping-Andersen 1996; Pierson 1998, 2000). As said, no comprehensive analysis exists on why and

how family policy change has come about in the second (but not in the first) term of the Schröder government. Why were steps taken and measures designed that at the very first sight have more in common with Swedish, if not formerly socialist, ones than with West German ones? Why could German ideas and policies traditionally linked to left (including feminist) groups and actors emerge again after having failed several times in the political process and eventually, albeit gradually, get implemented?

Due to both the novelty of the change and the lack of systematic research the aim of my essay is rather modest. It first introduces a simple framework for describing family policies and their change. The main part pinpoints the discourses and measures which mark the change in German family policies. Further research is needed to satisfactorily answer the question of driving forces for the ongoing change. I will briefly indicate directions for the search for causal accounts.

First of all, one may question the verdict of Germany's incapability to (face) change. Alber (2000) convincingly showed how the Kohl government from 1983 onwards reacted to demographic changes, new economic pressures and the welfare state's obvious "growth to limits": it stalled (yet, did not generally cut back) social expenditures and made them more dependent on incoming revenues (contributions); at the same time, the government paid attention to earlier Christian Democrat requests to better support labor market outsider, including non-employed mothers and their children as well as elderly people in need of care. Hence, Alber identified a political shift towards social services—as evident from the 1993 rule that gave pre-school children older than three the right to a place in a kindergarten or from the Statutory Care Insurance established in 1995—and towards mothers' issues: these shifts took place more than twenty years ago and fitted well Christian Democratic thinking.

We could also argue that mainstream welfare state literature on path dependent reforms pays too little attention to the fact that present-day Germany "incorporates" institutional legacies of at least four distinct welfare state models: those of the Weimar Republic, of the Nazi regime, the socialist one of the GDR and the pre-unification social-capitalist Sozialstaat (Hockerts 1998;

Schulz 1998). Each regime picked combined and extended earlier ideas albeit in particular ways. Hockerts and Schulz identify policy legacies in both socialist GDR and pre-unification FRG. The shift towards sustainable family policies appears to follow trodden paths, too, as it also selects from familiar ideas and policy traditions. Publicly funded and provided daycare for under 3s may deviate from the West German path, but does not diverge from the East German socialist one, and it breaks only marginally with ideas put forward by "reform Social-Democrats" during the 1920s. The official Second Family Report, published in 1975 and launched by the then Social-Democrat-Liberal coalition government, reiterated such ideas, e.g. that families are prone to fail and their children in need of collective support the more, the less their parents are educated (see Neidhardt 1970 who had chaired the Family Report commission). I cannot further elaborate the argument in this essay. Yet, I dare say that policy legacies, unification, transnational action and learning prospects, external and internal pressures, and new cultural constellations, e. g. the altered composition of the German population which has resulted from both, unification and migration to Germany (Schroeder 2006), may have colluded to open the windows of opportunity for politicians and policy-related experts to initiate reforms. We still lack a comprehensive explanatory framework which systematically relates the many factors that contributed to the surprising farewell to homebound mothering and, more generally, the emergence of sustainable family policies in Germany.

2 A preliminary framework for analyzing family policies and policy change

My analysis is based on two concepts that help to distinguish family policy models and pinpoint the direction of policy change: familialization versus de-familialization.

In the 1990s feminists introduced the term de-familialization into comparative welfare state research in order to criticize its narrow focus on de-commodification. According to Esping-Andersen (1990), de-commodification indicates the extent to

which wage workers can claim social rights (wage replacement, services) in cases of sickness, disability, unemployment or old age. Male workers have regularly profited more than women from decommodifying measures due to their higher (continuous and full-time) availability for wage work. Male availability has been enhanced by mostly female unpaid care work at home which up to the present has restricted women's labor market chances. Hence, feminists argued that women needed de-familializing measures that liberated them from family care obligations in order to be equally „commodified" (that is: to gain more equal employment opportunities) (see McLaughlin and Glendinning, 1994). In his later work (1996; 1999; 2002), Esping-Andersen embraced the concept and increasingly applied it as a measure of a welfare state's move towards child-centered social investment strategies in addition to women's "commodification".

A model which pursues "familialization" typically expects and often also encourages women to be above all mothers—at least while their children are small (below the age of three). In the case of "de-familialization", women shall be employed (nearly regardless of their children's age) and also have children. For each case 'negative' and 'positive' forms of familialization respectively de-familialization exist (Table 1).

Table 1: Family policy models

Logic/Measures	Familialization	De-familialization
Negative	Lack of childcare	Individual taxation
Positive	Carer's allowance	Sufficient childcare

Historical occupational bans for women, in general, and for mothers in particular, or the lack of childcare facilities constitute "negative" forms of familialization, Finnish style (home) care allowances for parents or tax credits for times of care "positive" forms. The abolition of widows' pensions or marriage- or family-based taxation, part and parcel of policies intended to individualize social security provisions, and the increase of women's statutory retirement age (as in Germany during the last decades from

the age of 60 to meanwhile 67) represent forms of "negative" de-familialization. Affordable high quality child or elderly care indicate forms of "positive" de-familialization. (For a different and more detailed categorization of familialization and de-familialization—see Leitner, 2003).

The Christian Democrat federal ministers of family affairs Heiner Geißler (1983-1985) and Rita Süssmuth (1985-1988) designed family policies that can be paradigmatically subsumed under the heading "positive" familialization. In contrast, sustainable family policies as outlined by policy-related elites and meanwhile slowly put into practice in Germany promised to be positively de-familializing (Rürup and Gruescu 2003, Ristau 2005, BMfFSF 2006—Leitner speaks here of "optional familialism" which might be disputed). Family policies in the (socialist) GDR from the 1970s onwards can be described rather similarly as "positive" de-familialization. Times to care for very small children existed in the GDR—but only for children below the age of 1—that is only for the short period of one year. Choice or exit options from work were not existent, part-time options first restricted, later brought to an end (Grandke 2001).

Real worlds of family policies offer distinct combinations of the measures exemplified in Table 1. Ideally, a de-familializing family policy model established individual taxation and provided sufficient public daycare also for very young children. Carers' allowances or a lack of childcare were incompatible with an "individual earner" or—as Lewis (2001) coined it—the "adult worker" model. Policy change can be simply charted as shifts from familialization to de-familialization and vice versa and/or as swings in the logic of measures (from positive to negative ones and, again, vice versa). A move towards de-familialization as is assumingly happening in the German case matches Hall's (1993) third level change (that is major changes of ideas or goals of policy). I suppose that third level changes are accompanied by Hall's second level changes, for instance, by the introduction of new policy instruments with or without doing away with old ones.

Some confusion exists with regard to the labeling of policies. Leira (2006: 38) calls Nordic parental leave legislation "childcare

refamilized". Leitner (2003) classifies the Nordic family policy model as "optional familialism". The usage of the terms "familialization" or "de-familialization" must be contextualized. The Nordic legislation offers a short period of home-based care of the child to all-life mostly full-time working ("highly commodified" and "de-familialized") parents. In contrast, the new German parental leave explicitly aims at shortening the periods of parental (in fact, maternal) care at home and at strengthening the continuity of employment (BMFSFJ 2006), hence, can be called a more or less (depending on wage replacement) "positive de-familializing" measure in the context of hitherto prevailing familialism.

Since satisfactory theories of continuity and change in social policy are still missing, my presentation of German family policy reforms in the next section follows whenever appropriate and as far as possible Palier's (2005) process tracing that is his patterned analysis of the political process and the mechanisms through which policy change was "conceived, elaborated, adopted and implemented" (ibid.: 130). According to Palier, policy change depends first on "a shared diagnosis of past policy failure", followed by a reformulation of new ideas and measures "against the backdrop of how things were done in the past" ("opposing the past") (ibid.: 141). Change then depends on a broad consent of the different actors involved in the field of intended change. Palier speaks of an "ambiguous agreement", since the actors consent on the same planned measure for different reasons (ibid.: 137). In his view, broad agreement is especially needed, when institutional resilience is expected to be strong. The more surprising is the pace of German family policy reform. It challenges Palier's fourth claim that newly developed "recipes are implemented in an incremental, but cumulatively transformative way" (ibid.: 138), precisely because implementation takes into account resistance and actors anticipate cumulative effects of single reforms.

3 "Unlearning" familialism, farewell to maternalism

The following elaborates the coming of sustainable family policy and describes related measures. The policy change becomes clearer when policy legacies and outcomes of previous family policies are considered.

3.1 Policy legacies

As is well-known Esping-Andersen classified (West) German welfare regime as "conservative-corporatist" and "familialist" (for the following: Leitner et al. 2007). "Conservative" pertained among others to the principle of "subsidiarity" and the "relational" logic of welfare state entitlements, e.g. the lack of their individualization: Entitlements were predominantly attached to status and relations—to husbands and wives, fathers and mothers, generations, employees, retirees, etc.—and not to individuals. It came as a corollary to these principles that relational obligations were prior to individual rights in the West German welfare state. Until very recently, West Germany obligated husbands and wives, parents and children to mutually care for one another for as long as necessary, and anchored this principle in law. One could speak of strong (or highly institutionalized) marital and family obligations or—in feminist terms—of high familialization or low de-familialization. Relational obligations were also intended to protect those who would suffer if a relatively powerful individual, such as a husband or father, exercised his freedom. The vulnerables included non-employed wives and married couples' children (to much lesser extent non-married mothers!). Post-war West Germany had drawn on older Weimar and pre-Weimar Catholic social traditions to build a family policy in stark contrast to both the Nazi intrusions into family life and as a reaction to the emerging, and socialist, GDR regime. Policies were designed to strengthen couples' and parents' rights to decide about family matters, and in the wake of the Nazi efforts in this direction, population policies remained an anathema in the West for a long time. The idea of marriage and the family as institutions elevated the privacy of marriage and family to near-

sacrosanct levels, precluding any explicit pro-natalist policies on the part of the state. Instead, the FRG strongly promoted the marriage-based family, supported by male breadwinner wages, and complementary (different but equal) gender roles through marriage-related benefits and tax allowances. Declining birthrates were debated first in the early 1970s and only among Christian Democrats, while Social Democrats spoke of "Panikmache" (needless panicking) (see Münch 2006, 2008).

While newly constituted West Germany strengthened women's personal dependence on a husband and breadwinner, the East German regime nearly from its start expected women to be both workers and mothers. Socialist policies were to contribute to women's economic independence from male partners. In fact, women's and children's dependence were shifted from husbands and fathers to the state and the firm. The socialist "provider state" took command of essential family functions, assuming a parental role and to some extent the role of the breadwinner-husband (Trappe 1995). Policies towards women in East Germany were mediated through child-focused measures that were meant both to educate children in accordance with socialist tenets and to free women for work. Thus, children were placed in the care and custody of the state already by the 1960s, with the aid of an extensive system of childcare outside the home. In 1950, the GDR passed the Law on the Protection of Children and Mothers and on Women's Rights which formally abolished women's economic dependence. It also stated that being born out-of-wedlock did not constitute a stigma, and these were preludes to comprehensive pro-natalist child-focused policies which fully developed by the late 1970s. Such policies stretched by far beyond generous subsidies for children's food, clothes, upbringing and leisure time. One-year long paid baby leaves (for mothers only) in the 1980s, first for the second and third, later on also for the first child, were introduced to encourage women and couples to accomplish their desired number of children. Socialist East Germany steadily expanded childcare facilities (eligible were children aged 20 weeks and older), increased grants for pupils and students in order to further relieve parents from paying for their children. From 1972 onwards, special programs supported stu-

dent-mothers. As a consequence, birth rates increased, and women's age at birth of first child decreased to an average of 23 years in 1989 shortly before unification. During the 1980s roughly 90 per cent of women were full-time working and at the same time mothers of at least one child (Grandke 1979, 2001; Schulz 1998: 145). When the wall came down in November 1989, the average GDR family consisted of two medium skilled parents and 1.7 children; both parents worked 43 hours in a five-day working week up to the age of 65. 82.3 per cent of women aged 15-65 were employed. The socialist state was paying, either directly or indirectly, for eighty per cent of the costs of children, whether through direct subsidies, public childcare, holiday facilities, or particular provisions made for single mothers. The state provided for "his" children, sharing this task with working mothers by easing their responsibilities through state services, temporary leaves and reductions in working time. Such policies gave priority to the objective of increasing the number of children, irrespective of family forms and marital status. They reduced the costs of out-of-wedlock births, divorce or separation for both women and men.

West German "positive" familialism—as defined above—developed under the Christian Democrat Federal Ministers of Family Affairs, Heiner Geißler and Rita Süssmuth. The 1970s—under Social Democrat-Liberal rule—had experienced a remarkable expansion of (in fact male) workers' social rights: stricter rules against dismissal; generous pension benefits including early retirement. The government had improved rights of working mothers by granting 4 months maternal leave after childbirth (flat rate benefit). In his 1976 book Geißler blamed the neo-corporatist particularism of the West German Sozialstaat: he claimed that trade unions were successfully fighting for ever increasing provisions for already privileged groups, while ignoring the really needy: non-working mothers, elderly people—among them again many mothers. In sum, he charged left power resources of privileging (labor) market insiders at the expense of outsiders. As a consequence, he demanded policies—mostly cash provisions—to equalize the status of the non-employed, including mothers. Due to austerity policies of the early conservative-liberal Kohl Government (1983-1998) Geißler's successor Rita

Süssmuth could only help legislate the 1986 (gender neutral) parental leave law (replaced in 2007 by a "Swedish style" parental leave). Provisions included a leave of three years, related pension credits, protection against dismissal during the three years period, and an income-tested flat rate benefit (for two years). Geißler and Süssmuth were the first postwar politicians who openly discussed falling birth-rates and thought of policies to help families to have children. Both were seriously attacked as "pro-natalists" by feminists and opposition parties (Social Democrats and the newly founded Greens). In contrast to Geißler, Süssmuth (1981, 1985) already argued from a child's perspective and in favor of equally shared parenting. She was the first who claimed that a better balancing of work and family life may encourage women to have children—laying some of the fundaments of more child-centered and also maternal employment oriented policies, as Alber (2000) argued.

The Red-Green government (1998-2005) which for a very short time (until 2002) flexibilized Süssmuth's parental leave in ways that finally offered mothers and fathers better opportunities to equally share paid work and unpaid care. Since then both Federal governments (the Red-Green one in its second term, 2002-2005, and the grand coalition of Christian and Social Democrats 2005-2009) moved towards replacing work/life balance ideas and policies which promoted equal sharing with the endorsement of the "adult worker" (dual-earner) model, related labor market activation and concomitant policies of de-familialization under the heading of "sustainability" (Leitner 2005). Detailed research is needed to explain why the Christian Democrats continued sustainable family policies initiated by the previous Red-Green government in the course of Schröder's activation Agenda 2010 and thereby seemingly broke with their previous beliefs when they entered the grand coalition in 2005. The next subsections trace how sustainable policies have been publicized and enacted since 2002 by roughly applying the sequences identified by Palier (2005).

3.2 A shared diagnosis of policy failure

During the 1990s then unified Germany significantly expanded cash transfers to families. However, providing more money but few services was increasingly criticized for its ineffectiveness, as it neither prevented child poverty nor boosted birth rates; instead, marriage-related benefits had given partners in childless couples incentives to stay at home and generally reduced women's labor market participation. Spieß and Bach (2002: 7) pointed to the cash bias of German family policy. According to their study and calculations, Germany spent 180 billion € (9% of GDP) on family-related matters in 2001, of which about one-third went to family-related tax policies, two-thirds as income transfers to families (note that the total sum spent for families varies in the relevant literature according to calculating procedures!). This meant that Germany paid for 46% of the cost of children. Yet, despite such high spending levels, birth rates have remained low, mothers' employment part-time and discontinuous, at least in West Germany, child poverty has been increasing. Moreover, since 2000 the OECD Program for International Student Assessment (PISA) has repeatedly exposed Germany's failure to equalize children's educational opportunities and promote upward social (educational) mobility of children from lower class families. Instead, social disadvantage appeared to be inherited via inept or failing families. German politicians and policy related-elites have therefore increasingly argued in favor of a recalibration of the ways money for family policy is spent: from marriage-based tax allowance to family splitting, if not individual taxation, from cash transfers for children to the funding of early on daycare and childhood education (Spieß et al. 2003; Rürup and Gruescu 2003; BMFSFJ 2006).

Despite the above mentioned undesired outcomes established family policies seemed locked-in and hard to overcome. Any recipe for change had to come to terms with a multiplicity of interested actors, including reluctant or resilient families/parents who were to be directly affected by the policy outcomes. At the beginning of the 21st century (West) Germans still adhered to familialist norms and values as ISSP (International Social Survey

Program) data suggested: while "familialism" and related "male breadwinner" norms steadily declined, especially in the younger age groups, only a minority of (West) German women or men preferred dual full-time employment when their children were below or at school-age. Fifty percent of the youngest age group (24-40) still assumed negative impacts of maternal employment. Many parents still do favor "mothers' time to care" at home. Such parental norms and values must conflict with recent proposals for extending mothers' labor market participation, and, more generally, de-familializing care of small children.

A brief review of publications of the Federal Ministry of Family Affairs (BMFSFJ 2002, 2004, 2005, 2006, 2007) and related public debates suggests that from 2002 onwards a whole range of proponents of policy change has surprisingly converged to perceiving children mainly as liabilities to (increasingly failing) parents, yet, assets for society, families as risky for children, and, therefore, advised prioritizing children and to respectively relaunch welfare spending (for the following: Knijn and Ostner 2008). They have successfully linked "hard" distributional conflicts and questions of efficiency (efficient allocation of taxpayers' money) with "softer" issues of solidarity and fairness between gender and generations ("framing") and thereby created moral pressure ("shaming"). Policy-related experts must have done so, because those affected by the new family policies (e.g. parents to be) still hold on to "older" norms or may be aware of pending losses which accompany the policy change. And they have been able to do so, because crucial veto players who could have provided another interpretation of the problems at stake (Palier 2005: 134) have so far not come to the fore. All seemed to have agreed into re-designing family policies as labor market and related educational policies as eventually advocated by chancellor Schröder in his Agenda 2010 and previously propagated and streamlined by the EU.

Policy failures have been couched in terms of family failures (see also Esping-Andersen 2002). "Child poverty" is interpreted as the main family failure. It pertains to the "scarcity" of children as presented by childless adults and small size families; also to the scarcity of parents' resources for children and children's lack

of resources such as money, space, time, opportunities; "child poverty" as scarcity also alludes to qualitative shortcomings like lack of stimulating environments, including parents. The media, politicians as well as family policy-related experts now openly question (all) families' competence for properly raising and educating their children. Negative images of mothering—especially of "home-bound" mothers (Muttertiere)—populate the public agenda. Non-working mothers of small children are generally painted as spoiling their children by giving them too much and too bad food and by leaving them long hours in front of the TV (BMFSFJ 2007). They are blamed of rendering children passive, neglecting their children's cognitive development and restricting children's early capabilities to actively and independently explore their wider environment. Above all, low skilled or low class parents (mothers) are said to be non-stimulating, if not harmful, for their children. Rare, though, but repeatedly publicized incidents of severe child neglect (and murder) have also helped questioning families' positive impact on raising their children or, more generally, families' "efficiency" for society. Families are increasingly assessed as in need of special advice and teaching. The government has launched "local pacts" where communities, schools, firms or all of them teach parents in "Elternkursen" (courses for parents) and "Familienzentren" (special family centers) about children's needs and how to help them to overcome social disadvantage. Some Länder have made medical inspection of pre-school children obligatory, others proposed to tie receipt of family benefits to medical control. Efficient families avoid negative external costs for society as far as possible; if families fail, policies must regulate families' doings in ways that forces them to take into account related negative costs. Psychologists point to the lack of studies on "psycho-social costs" of close maternal bonding (Silbereisen 2006: 173). While psychologists and sociologists still admit that newborn and very small children need some stable attention and even bonding (terms like "love" or "affection" are no longer used), they quickly argue that children develop best—the focus is on cognitive development—when parents share child-raising with all sorts of public agencies from rather early on.

Bertram et al. (2005) arguing for a new "sustainable" family policy maintain that strong (West) German "familialism" ("Hotel Mama") has prolonged adolescence and hindered young adults to actively establish a life of their own including looking for paid work or finishing education. They explicitly advise to weaken parental obligations for younger adults and thereby strengthen the latter's independence from their parents and thereby propose a shift from "responsible" to "abstract/per se" parenthood. They do not say however how to attain this goal, if one considers that in Germany, parental obligations—mostly cash obligations—last till the age of 25 for children in education and for ever in the case of living-in children of any age who lack means, including the unemployed on the reformed job seeker benefit scheme (Arbeitslosengeld II). Filial obligations also persist: while the German 2001 pension reform abolished children's obligation to support their income-poor pensioner parents, they must still pay for the care of their needy elderly parents. Obviously, sustainable family policies treat different forms of care differently and intend to focus resources on public child, not adult or elderly care.

"Family failures", "negative external effects" and the evolution of social-regulatory—in contrast to redistributive—policies are two sides of the same coin. German family policies have shifted towards regulating efficiency. In this context, "child poverty" as lack of parents' financial resources is to be met first of all by parents' employment efforts; and "child poverty" pertaining to all sorts of qualitative shortfalls calls for a broad range of "precautionary" and in this sense "sustainable" welfare state provisions. Such precautionary measures are being messaged as "investing in children". It is hard to dispute or reject measures based on this message. The new policies increasingly deviate from past ones (as is the case with recent child-focused definitions of the family) or have been explicitly designed in opposition to the West German, less so East German socialist, past (e.g. proposals for extended state daycare).

3.3 Defining the family and families' place in society

In German family law a "family" consists of parents and their children; these can be biological or step-children, adopted or foster children (for the following: Knijn and Ostner, 2008). As a consequence of various Constitutional Court rulings lone mothers living with their child and non-resident fathers who had been never-married to their child's mother are now also protected by the German constitution. Jurisdiction and related legislation have further expanded the notion of the family from a child-centered perspective. A "child's family" pertains to those persons who entertain at present or who entertained in the past (before divorce or separation) longer-term close relations with the child, including also grandparents, former partners of the parents and their children—provided a close relationship existed (Schwab 2001, 2006). While cohabiting couples are not protected, hence do not profit from marriage related benefits, their children are. Same-sex couples have the right to officially register as a "couple" (a minor form of marriage), yet, for the time being do not have the right to marry or to adopt children, except in cases where children exist from former heterosexual partnerships. The importance of marriage as well as of residence (sharing a home) for what constitutes "a family" has been successively weakened. Children have equal status and rights regardless of marital status of their parents. And families are seen as "multi-generational" as well as "multi-local networks" (BMFSFJ 2006: 30). Germany now employs post-modern sociological definitions of the family as "any group which consists of people in intimate relationships which are believed to endure over time across generations", as of yet, mostly by re-interpreting ideas of "kin", "generations" and "generational solidarity", so far less by further deregulating marriage and family law. The 2006 Family Report (BMFSFJ 2006: 30) stresses that a family is more than a place where children live. Such a locally restricted definition, it argues, would deny the multiplicity of family relations which today merge families (in fact "generations") with the wider society. The argument nicely illustrates the ongoing discursive extension of what is to be a family. According to the Report, German society is made up by

concentric circles of "solidarity" ("give-and-take") and largely populated by "families":

> "Never before have so many age groups lived together in families at the same time, in some cases spread over a multiplicity of locations, but nevertheless in regular contact, and seldom before was there a healthier atmosphere between the generations. The family is in the truest sense of the word the kernel where everyday solidarity is practiced. … Even if families are becoming smaller, more colorful and more mobile, we cannot dispense with the give-and-take of everyday solidarity. New networks must be created to be able to transfer the advantages of yesterday's large families to modern social structures" (BMFSFJ 2006 English summary: 3).

"Intergenerational solidarity" comes also, albeit implicitly, into play when the report indicates that new sustainable family policies must pursue the "goal of bringing more children into families, and more family into society" (ibid.). To attain the first goal, "families need to be relieved of more of their burdens", "to make it easier for young people to choose to have children and to enhance families' economic stability", above all through their own gainful employment, also by "early promotion of children"—so that people "dare to live as a family" (ibid.: 4-5). "Solidarity" in this context applies to parental employment as an (to be enhanced) aspect of the generational contract, it also pertains to norms of equality and partnership within families and equal sharing between families, generations and society; finally, it points to resources of older generations (not only kin!) who are expected to more actively help younger ones to have children and stay employed.

3.4 Funding services, activating mothers for continuous employment

As said, proponents of policy change have agreed in rejecting new or additional cash benefits for families, because cash has proved inefficient by failing to increase birth rates (also by missing "quality" targets) and by restricting maternal employment. The German Federal Government (since 2005 a coalition between the Christian and Social Democrats) has therefore

> "started to re-focus families' financial benefits in order to increase their effectiveness. A major project … is to refine the previous child-raising benefit in line with successful examples in Sweden and other countries. The slump in income previously experienced after the birth of a child is hence largely avoided. Families receive support when they particularly need it. … At the same time, a parental allowance offers an incentive for fathers and mothers to return to work faster after the child-rearing phase than was previously the case. … Early promotion of children and better possibilities for gainful employment for mothers reduce poverty risks and help people to break out of the poverty spiral" (BMFSFJ 2006 English Summary: 4-5).

> "Families in Germany … experience an economic downward spiral: Family income is still high at the start of parental leave (due to full—100 per cent—wage replacement during eight weeks of maternity leave—IO), followed by a marked decrease when parents start to draw child-raising benefit, which is not linked to the previous income…" (ibid.: 9).

The new parental leave ("Elterngeld") in force since 2007 and funded by general taxes grants a one-year leave at a wage replacement level of 67 percent of former earnings up to a net income of 1.800 € per month (roughly an average young teacher's net income) (14 months for a lone parent; also for parents in partnerships, if the second partner takes at least two of the 14 months leave). The scheme constitutes a significant and broadly consented change of both policy instrument and goal. As already said, it was established to improve the continuity of women's employment and discourage spells of longer labor market exits of working mothers by compensating for the loss of income attached to home-based caring for children below the age of 14 months. The compensation increases with the previous employment effort respectively earnings record. The leave was explicitly designed to persuade higher qualified and better paid women to continue employment when having children and skillfully employed women to have children (BMFSFJ, 2004; Rürup and Gruescu, 2005). At estimated costs of 3.87 billion € per year, it shifts resources from needy parents to better-off working parents. Poorer parents now get a reduced care benefit while caring for their baby. While this minimum benefit of 300 € is now guaranteed (no longer income-tested as before), the duration was cut down from 24 to 14/12 months (Klammer and Letablier 2007).

Mothers, including lone ones, in need of financial support from the state thereafter will be activated.

The 2007 family law reform significantly revised, in fact, reduced and limited divorced mothers' entitlements to support from their husbands. It stipulated the priority of support entitlements of all children (also of those born out of wedlock and /or to a recent partner regardless of marital status) at the expense of those of the former wife. She is now expected to be self-reliant. The reform is therefore well in tune with trends to re-commodify mothers and consequently individualize ("adult workers'") entitlements.

Germany has so far offered mostly tax reductions, child allowances, free (basic) education and health care to families' who must combine work and family life. As of yet, the municipalities have to finance child care with the support of the individual states (Länder). Accordingly, child care has varied immensely with regard to quality, to who decides about what to pay, the definition of maximum or minimum payments (often a ceiling of 15-30 percent of operating costs or costs for personnel divided by number of children), co-determination of parents (parents, provider, Youth Office), opening hours, etc. Fees are often graduated according to the number of children in a family; low income parents get significant reductions. Recently, primary schools (still often part-time) were asked to extend their opening hours (in some Länder obliged) implying that they will have to organize activities for children before and after regular school hours. A child's right to publicly funded or subsidized (affordable) childcare, part-time, though, was established in 1995. Politicians are now calling for a right to free (!) full-time child care after parental leave when the child will be 12 or 14 months hoping to give incentives lo lower class families (at risk?) to give their children in daycare as soon and long as possible. The 1995 law had still emphasized the older objective of enhancing children' natural and social development, but had also stressed that the provision should aim to accommodate parents' needs, as well as the choice between public childcare and "daycare 'mothers'" (the law speaks of daycare "persons") for very young children. "Sustainable" childcare aims at de-familializing children. In 2007, the fed-

eral government decided to expand public financing of childcare as to guarantee 33 percent of children under the age of a place in daycare latest in 2015. The decision will further increase spending for families (services) by several billions Euro. Additional money will be needed for improving the qualification of prospective pre-school teachers and financing their higher wages—taking together very ambitious projects in the face of the global economic crisis.

Against the backdrop of largely extended actual and future costs of de-familializing measures those (mostly members of the Christian Socialist party) proposing "Finnish style" cash benefits (Betreuungsgeld) for parents who care for children under the age of three at home were easily marginalized. (It is worth mentioning that Finnish women have the highest rate of continuous full-time employment after the paid care-leave among the Nordic countries). Proponents of the Betreuungsgeld have also been blamed of being reactionary. The old principle of subsidiarity would have suggested that Germany gave cash subsidies to parents to buy services as favored by the OECD and introduced in some EU countries. Instead, and most strikingly, it has given preferentiality to services funded and mainly provided by state or para-state agencies. The argument is that parents cannot be trusted to make choices in the best interest of their children and that the state guarantees best the equality of opportunities and related outcomes. Such arguments and related enacted and planned measures have brought sustainable family policy closer to the Swedish, if not former GDR, family policy model (for Sweden see Ellingsaeter and Leira 2006). The break with former (West German) principles of subsidiarity and privacy of family matters is obvious. It comes to the fore when "sustainable" de-familializing policies are compared with the older familialist ones (Table 2).

Table 2: Two family policy models

	Familialization—FRG in the 1980s	**De-familialization—2002 onwards**
Discourse	"Families deliver, also in hard times, with little public support"	"Families fail in many ways despite public (cash) support"
Social question to be tackled	The non-employed, among them mothers and many elderly, as disadvantaged non-organized groups	"Poverty of children", lack of human capital, poor performance of families and children
Normative policy objectives	Strengthening families' (women's) choice: no mother should be forced to seek employment when children are small	Choice via work/family reconciliation policies; at the same time individualization of family members
Instrumental policy objectives	Familialization of children, strengthening the exclusive relationship between mothers and very small children	De-familialization of parenting / parenthood ; individualization and institutionalization of children (early childhood education)
Instruments	Cash: Increase of social wage for families; extension of maternal leave (3 years) and flat rate leave benefit (also for non-employed mothers)	Reduction / abolition of old style de-commodifying social provisions; Swedish style leaves (Elterngeld; daddy months); investment in childcare and education
Role model	"Sequential maternal employment"; flexibilization, not transformation of women's status; different but equal (complementary) gender roles	"Simultaneous maternal employment"; "adult worker norm"; gender neutrality—convergence of gender roles

4 Taking stock

Proponents of policy change have agreed on discourses on multiple family failures which preceded and still accompany the policy shift. The 2002 Federal Report on Children and Youth stated that the family no longer fitted children's and youth's regular experience (BMFSFJ 2002: 57). As a consequence the importance

of families and their caring and socializing efforts have been increasingly disparaged. They have been said to no longer guarantee children to grow up properly and happily. Instead, it is argued that children need above all a good environment, not necessarily "traditional" families. The 2005 Federal Report on Children and Youth (BMFSFJ, 2005) explicitly focused on issues of caring for, and raising and teaching children alongside as well as outside the family, it also explicitly and positively referred to the socialist East as a model for early public socialization. The report discussed at length how to slowly prepare children to separate easily from their homes and mothers who in turn are now expected to stay in employment more continuously. These discourses and related "sustainable" measures have promoted the "de-familialization" of childhood while "institutionalizing children", a trend also eased by ideas of families as "multi-local support networks" as well as by efficiency arguments (lowering negative external effects). Related policies are mainly intervention-oriented and focus first of all on so-called "families at risk". Proposed and enacted intervention projects include family coaches, at home visits by social workers and volunteers, and educational programs for parents.

Table 3 charts the growing importance of de-familialization and related measures such as the expansion of public daycare and the introduction of a leave scheme which aims at higher-income working mothers at the expense of needy and / or non-working ones. We can identify Hall's second and third level change (the introduction of new instruments and a switch of policy goals). Yet, it is hard to predict how sustainable family policies will eventually develop. Policy change has so far combined the "layering" of measures (introducing new instruments while keeping older ones) and more radical shifts in policy goals as evident in the case of the new parental leave and the enlarged budget for public daycare for very young children which aim at de-familializing families, distancing children from their families (in their best interest) and commodifying mothers. Change has proceeded both incrementally and rapidly, also sometimes inconsistently, as apparent in Table 3.

Table 3: De-familializing and re-familializing policies in Germany since 1992 (selection)

	De-familialization	**Re-familialization**
Negative	• 1992 higher retirement age for women • 2001 reduction of derived benefits for widow(er)s • 2004 tougher income testing for (old) parental leave benefit • 2005 merging of second-tier unemployment benefit with social assistance, hence reduction of former benefit to basic safety; tightened eligibility rules and workfare measures for needy job-seekers and long-term unemployed, including lone mothers • 2007 child support and maintenance law reform: enforcement of spouses' self-reliance via employment after divorce • 2007 general retirement age at 67 • 2007 cutback of poorer parents' leave benefit as part of new leave scheme	• 2001, 2003 following: ongoing pension and health care reforms: cutbacks for older and chronically sick or care dependent persons; new co-payments • 2001 funded pension tier: no contribution by employers to pension funds; no recognition of care obligations in private pensions • 2004 TAG: proliferation of precarious care jobs hence increasing dependence of daycare mothers on partners' income • 2007 tightened obligation for parents to house and maintain long-term unemployed youth who apply for benefits

	De-familialization	Re-familialization
Positive	• 1993 children's right to part-time childcare • 1995 Statutory Care Insurance • 2001 pension reform: lessening of filial cash obligations for poor elderly pensioners • 2001 improved pension credits for spells of care for children at home which favors especially part-time work of parents • 2002 legislation on the enhancement of flexible and part-time employment • 2004 Tagesbetreuungsausbaugesetz (TAG): expansion and better federal funding of childcare for small children below three and of daycare mothers • 2007 new earnings-related parental leave (replaced old leave regime and related flat rate benefit for working women) • 2007 tax allowance for childcare costs • 2007 decision on largely extended budget for reaching the 33 percent daycare for under 3s target between 2012-5	• 1993 onwards: introduction and extension of non-married non-resident partner's financial support for his child's mother • 2001 increase of pension credits for non-employed parents who have two and more children

Source: Ostner, 2006 (revised).

Past familializing measures designed for now out-dated goals co-exist with presently favored "sustainable" de-familializing ones. Single measures like the new "Swedish style" leave scheme were inserted in a hitherto basically unaltered policy framework

that has little in common with the Swedish highly individualized and comprehensively de-familialized one where parental leave has resulted in the desired effects. The introduction of single measures of the new policy paradigm into institutions of the old one which still institutionally promotes breadwinner marriages via tax and social insurance rules—that is without what Dingeldey (2006) has called "holistic governance"—may unexpectedly subvert the intentions of sustainable family policy proponents (see Hacker 2005: 76, endnote 2, with reference to Heclo). The new parental leave may offer better-off married mothers an additional year of home-based mothering and thereby extend, not reduce, times of non-employment. Similarly, affordable and easily available daycare for small children can also be used by non-working married mothers. In each assumed case the intended de-familializing measure will have non-intended familializing effects.

We do not know yet whether this will happen, but can only assume that "layering" and cumulative affects of new policies will shift Germany further in the direction of de-familialization provided this direction will remain broadly consented. As said, actors may have consented with sustainable policies for rather differing reasons. Above all, they have successfully instituted "parenthood"—becoming and being a parent—as a collective (no longer individual or couple's) risk that has to be met by collective (social) measures. They may support the new focus on children and related child-centered social investment strategy, yet, disagree with "holistic governance" intent to eradicate all elements of the old familialist policy model.

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